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PARTITION OR FEDERATION ?

A STUDY IN THE INDIAN CONSTITUTIONAL PROBLEM



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DEDICATED TO THOSE WHO HAVE BEEN FIGHTING FOR THE
MAINTENANCE OF THE UNITY AND INTEGRITY OF INDIA

PREFACE

THIS little book is virtually a collection of my articles which have already appeared either in the daily Press or in periodicals ever since the publication in July 1944 of what is generally known as the Rajagopalachari Formula for the solution of the Indian communal problem. Articles 1 and 2 were published in the form of letter in some organs of the daily Press in India. They were the first reaction of a nationally minded federationist to Gandhiji's assent to the wild—highly mischievous—communal formula and the use—to my mind very improper—of the name of the Indian National Congress by some people who should have known better in justification of the formula. In the next three articles which first appeared in *The Modern Review* of December, January, February and March last I have critically examined in a scientific way the position taken by Mr Jinnah and by Gandhiji during their negotiations with each other in September 1944 and also afterwards. In the sixth article originally published in *The Modern Review* of April and May 1945 I have considered Britain's responsibility for and her duty in relation to the present situation in India. In the seventh article first published in *The Calcutta Review* of March 1945 I have examined the scheme of the future Government of India which Professor R. Coupland has outlined in his work entitled *The Future of India* and also very briefly in a lecture delivered before the East India Association London. These articles are reprinted now practically as they were first published. In one or two places however I have only made some slight verbal alterations and I have also added or modified, a few foot notes here and there. These

changes have been chiefly necessitated by the republication of the articles in the form of a book. All these articles have been written with a view to showing that the only right and durable solution of the Indian problem is the establishment of an All India Federation on proper lines and not any partition of India as envisaged by the All India Muslim League or by what is known as the Rajagopalachari formula or the Gandhi formula nor again any scheme of regionalism as suggested by Professor Coupland.

The Appendices comprize some illustrative documents and three articles also published by me previously to which reference has been made in the text.

Some of the views expressed by me in this book may perhaps appear rather hard and even very strong to the reader and may not be pleasing to some people. All that I should like to say here however is that if I have expressed myself very strongly on any point it is because I have felt very strongly and sincerely about it. And I do feel that a certain amount of plain speaking is necessary when for the solution of our communal problem any proposal is seriously made which is fraught with incalculable danger to the future peace, prosperity and security of this country and for which even an artful propaganda is carried on by influential persons. For instance any proposal seriously made by any person however great for the partitioning of India into two or more sovereign independent States is to my mind an act of treason to the cause of Indian Nationalism and should be treated as such. The reason is obvious. Such a proposal if carried into effect would imperil the whole future of this country. Every true nationalist in India therefore owes it to himself to the land of his birth and to posterity not only to expose the fatuous and dangerous character of such a proposal but also to enter

his emphatic protest against it. There should be no muzzing of matters in such vital affairs. The destiny of a country is infinitely more important than the prestige of an individual or of a political party or organization however great he or it may be. Some people in their egotism and arrogance have characterised the nationalist opposition to the Rajagopalachari formula as an exhibition of communalism. This is to say the least sheer impudence and nothing else.

Unfortunately there is at the present moment a general atmosphere of mental slavery in this country and in my opinion this is one of the most tragic facts of Indian politics today. This servility of mind is due partly to the prevailing spirit of idolatrous hero-worshipping partly to the timidity of character arising from the dread of persecution in the hands of one's co-religionists and partly to the prospects of office and of all that goes along with it or to the fear of losing it when one is already in. The result is that there is a complete paralysis of independent speculation among the large section of our educated countrymen even with regard to matters of vital concern to this country. Some of our foremost leaders would do well to note this baneful consequence of their leadership to the intellectual and through it to the moral nature of many of their followers.

As all the articles included in this book have the same object in view and as they were originally written at different times for publication in the Press or periodicals there may be in one or two places in it some slight unavoidable repetition of ideas.

I owe a deep debt of gratitude to Dr Svama Prasad Mookerjee M.A., B.L., D.Litt., LL.D., Bar at Law M.L.A., for the interest he has very kindly taken in the matter of the publication of this book. My sincere thanks are also due to the

Editors of *The Modern Review* and *The Calcutta Review* for their kind permission to incorporate in the book the articles originally published in these journals and further to the Editors of the daily Press who did me the honour and favour of publishing in their papers the first two articles included in the book as well as Appendix G. I am under a special obligation to the Editor of *The Modern Review* but for whose kindness and encouragement the series of articles published in *The Modern Review* since October last which form a major part of this book would not perhaps have been written at all. In this connexion I should also express my sense of indebtedness to Dr M. Ghosh M.A. Ph.D. Head of the Department of Bengali in the University of Dacca for the help I have received from him. Finally I should be failing in my duty if I did not acknowledge here the very valuable assistance and encouragement which I have received from my esteemed friend Mr J. N. Choudhury M.A. of the Department of English in the University of Dacca in the preparation of this work. His criticisms and suggestions have really been of great value to me.

D. N. BANERJEE

DACCA

June 1945

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AN OPEN LETTER TO GANDHIJI¹

14th July, 1944

REVERED SIR,

After a good deal of hesitation I feel constrained to address *this letter to you, even in the present state of your health* I feel compelled to do it in the public interest

It appears from the statement of Rajaji (Mr C Raja gopalachari), dated at Panchgani 9th July 1944 and the text of the correspondence between Mr Jinnah and him both of which have been published in the Press that the formula² which he had offered to Mr Jinnah for an honourable settlement of the communal question," has your "personal approval," and that it may now be regarded as your "joint contribution to the solution of the communal problem and dealt with as such"

I am both pained and surprised at this and I wonder how you of all persons could be a party to this formula, in view of the following categorical statements made by you in *Harjan* only in 1942 —

- (i) "*I consider the division of India to be a sin*
My statement amounts to the enunciation of the proposition that I cannot prevent my neighbour from committing a sin Shri Rajagopalachari would be party in the sin if the neighbour chooses to commit it *I cannot be party*"⁴

¹ This letter was originally published in July 1944 in some organs of the daily Press in India, and a copy of it was duly sent to Gandhiji, along with some other papers

² See Appendix B

³ See Appendix B

⁴ See *Harjan*, p 16² of 24th May, 1942 The italics are mine

- (ii) "I hold Rajaji to be in the wrong. He is creating a false atmosphere. He does not believe in Pakistan nor do the nationalist Muslims and others who concede the right of separation or secession. They and Rajaji say that that is the way to wean the Muslim League from the demand for separation. I am surprised that many Muslims rejoice over a concession of doubtful value. *I see nothing but seeds of further quarrel in it.*"
- (iii) I can speak only *as an Indian*. If Pakistan as defined above is an article of faith with him (i.e. Mr. Jinnah) *indivisible India is equally an article of faith with me.*"

When you make a public statement about a matter of vital concern to our country, people naturally think that you have very carefully considered it in all its aspects before making it and expect that you will not change your views on fundamental matters from time to time. Now the formula for the so-called 'honourable' settlement of the communal problem contemplates in certain circumstances the separation of certain areas in the North West and the North East of India from Hindustan and their formation into separate sovereign States. For this purpose what is necessary is only a simple majority in a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise in contiguous districts wherein the Muslim population is in absolute majority. Such a simple majority in such districts can easily be ensured by stirring up communal feelings in these days by a skilfully directed propaganda and by dangling before the illiterate and ignorant masses the prospects of a particular

⁵ See *Harijan* p. 172 of 31st May 1942. The italics are mine.

⁶ See *Harijan* p. 937 of July 26th 1942. The italics are mine.

type of *Raj* Does not, therefore, your formula amount in effect to the acceptance of the principle of *Pakistan*? It does And this means partition or "vivisection" of India Now if vivisection was a "sin" with you in 1942, how, and by what process of spiritual alchemy could it be an "honourable" and desirable thing in 1944? Again, in 1942 you saw in *Pakistan* "nothing but seeds of further quarrel in it," and you were very right in your view May I ask how you are prepared to-day to sow those very seeds? I really wonder how with your full knowledge of the disastrous results of the introduction of communal electorates into this country you could think of introducing into the body politic of India the cancerous poison of the principle of division of India in certain circumstances' If in 1942 an *indivisible India* was an article of faith with you, how could you so suddenly discard that article of faith in 1944 (or rather in February March of 1943 as it appears from the statement of *Rajaji*)? If you, *Mahatma*, change your views on essential matters so frequently, what value—please excuse me when I say this—can be attached to them? If we all revere you it is because you remain unmoved like a rock on fundamentals

Further, how could you commit yourself to the acceptance of the formula without consulting nationalist public opinion in Bengal and Assam as well as in the Punjab and other affected areas? *Rajaji*—I again beg to be excused for saying this—does not, however respected a leader he might be in Madras represent to day nationalist public opinion in India His views have been repudiated practically throughout nationalist India during the last two years And I wonder why he does not forbear from speaking on matters, about which he is not competent to speak He may know well the problems of Madras, but he has very little knowledge of the problems of

Bengal—particularly of its eastern and northern parts. The Pakistan movement is partly a product of some serious errors of judgment on the part of some Congress leaders in 1937-39 and he is now anxious to make amends by pursuing a policy of appeasement fraught with disastrous consequences to the future of this country at the cost of Bengal, Assam and the Punjab. But my regret is that you have been misled into what may be regarded by a nationalist as the greatest blunder of your political life. Unintentionally and unwittingly you have to use a hackneyed phrase stabbed Indian nationalism in the back—the very nationalism which you yourself have done so much during the last twenty five years to foster and nurture.

As I have shown elsewhere (*The Modern Review*⁷ June 1943 pp 458-60) in another connexion the partition of India into communally demarcated areas is ethnologically, economically, politically and strategically an absurd idea. The key to the solution of our problem largely lies in the pages of *The Federalist* (of Alexander Hamilton, James Madison and John Jay). And the solution of that problem lies in the establishment of an All India Federation on an indissoluble basis—a Federation composed of indestructible autonomous units with adequate statutory safeguards for all racial or religious minorities in respect of their language, religion, culture and traditions. The effect of the introduction of the communal electorates into this country is already well known. Please do not directly or indirectly be a party to any arrangement that will inject another deadly poison into the body politic of India or destroy the unity and integrity of this country. I would therefore request you to withdraw from the position you have been reported to have taken. The much-abused doctrine of

⁷ See Appendix H

self determination 'is like a two edged sword and can be admitted only with reservations" This doctrine is to be applied to a country as a whole and not to any section of its population at its dictation Otherwise, there will be a disintegration of the country You cannot apply this doctrine in the case of one section of the population and refuse to do it in the case of another We may have our differences with the present Viceroy, but we can hardly differ from him when he says in reference to this country "no man can alter geography ' And that means in the case of India a Federation Indeed, federalism alone can save us partition will lead to our destruction It will ultimately plunge India into a civil war A policy of expediency often proves very inexpedient in the long run

I have not the privilege or honour of being known to you personally but I am one of your distant admirers, nay, worshippers, although I may not always agree with your views If, however, I have addressed this letter to you it is because I have been shocked by your assent to the dangerous formula of Rajaji I shall be obliged if you will kindly favour me with a reply to this letter at your convenience, or you may publish your views in the Press by way of a reply to this letter

As this letter deals with a matter of great public importance, I am taking steps for its publication in the Press I shall also publish your reply if and when it is received by me

THE C R FORMULA AND THE CONGRESS¹

I

The people of India—particularly the nationally-minded section of it—has, for many obvious reasons, a great respect and admiration for the Indian National Congress, and that is probably the reason why a set of persons have been carrying on ever since the publication of the communal formula of Mr C Rajagopalachari, a misleading propaganda that the formula is quite in consonance with the creed and policy of the Congress. Evidently, the object of this propaganda is to exploit our national sentiments towards the Congress for the purpose of ensuring public support to the formula. Even those who ought to know better and from whom the country expects a correct lead, have, either intentionally or unintentionally, been a party to this propaganda. For instance, I find, in an Associated Press message, dated at Panchgani 16th July, 1944 Mr Rajagopalachari observing² in the course of a defence of his formula 'The scheme put forward may not be in accordance with the communal position taken up by the Mahasabha, but it is perfectly consistent with the Congress position as it has been repeatedly set out'. And Gaudhiji has been reported to have recently said,³ in the course of a statement to a special Representative of the United Press

At the same time, at the time I made the statement you

¹ This article was originally published in some daily papers in India early in September 1944. For the C R formula see Appendix B.

² On July 16th 1944 at Panchgani.

³ At Sevagram on August 7th 1944.

According to *Gandhi Innah Talks*, p. 84 (The Hindustan Times), the words preceding the word 'I' in the statement quoted are 'At the same time that

refer to, I was also a party to the self determination resolution of the A-I C C (All India Congress Committee) I hold that Rajaji's formula gives effect to that resolution" Unfortunately, public memory is proverbially short As will appear, however, from what follows, the views of Mr Rajagopalachari and Gandhiji are not really supported by facts

In the first place, Article 1 of the Constitution of the Indian National Congress as amended in 1939 says "The object of the Indian National Congress is the attainment by the people of India of *Purna Swaraj* (Complete Independence) by all legitimate and peaceful means' This object undoubtedly envisages the attainment of independence by the people of India as a whole as a single political entity, and not by the people of a truncated India, nor again by the *peoples* of India partitioned or divided into a number of 'sovereign' and independent fragments or broken at a number of points by a chain of Ulsters No amount of casuistry or sophistry or mystification on the part of anybody however great, can make the object imply anything else

Now it may be, and has actually been argued that what ever might have been the object of the Congress, its Working Committee declared in the course of its resolution published at New Delhi on 11th April, 1942 "The Congress has been wedded to Indian freedom and unity and any break in that unity, especially in the modern world when people's minds inevitably think in terms of ever larger Federations would be injurious to all concerned and exceedingly painful to contemplate Nevertheless, the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will" Even if we assume, for the sake of argument, that this resolution of the Working Committee was consistent with the object

of the Congress—which I doubt very much— and that it countenanced in certain circumstances partition or separation or secession it does not mean anything now. The reason is that the effect of this resolution has been completely neutralized and nullified by the action subsequently taken by the A I C C (All India Congress Committee). Here I should like to refer before I proceed further to a constitutional point. Under Article XX of the Constitution of the Congress the Working Committee consists of fifteen members including the President of the Congress and a Treasurer. Of these fifteen members thirteen are appointed by the President from among the members of the A I C C. Besides the Working Committee is the Executive Authority and as such is empowered to carry into effect the policy and programme laid down by the A I C C and the Congress. It has certainly no power to act against that policy and programme. Moreover it is responsible to both the A I C C and the Congress and is required to place before every meeting of the A I C C the reports of its proceedings. Speaking constitutionally the cumulative effect of all these and particularly the use of the expression responsible in this context is that the Working Committee is subordinate to the A I C C which can undo what the former has done. It is in a sense a Committee of the A I C C and an agent of the latter. As its master and official superior the A I C C may therefore with unquestionable constitutionality set aside or repudiate any action or decision taken by the Working Committee.

Now notwithstanding the New Delhi resolution of the Working Committee to which I have referred above, on 2nd May 1942 during its Allahabad session the A I C C rejected by 120 votes against 15 a resolution⁴ of Mr Rajagopalachari

⁴ See Appendix C

conceding the claim of the Muslim League to separation but adopted the following counter resolution of Mr Jagatnaram Lal by 92 votes against 17 —

The A I C C is of opinion that any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or federation will be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress therefore cannot agree to any such proposal

It may be noted in this connexion that among others Babu Rajendra Prasad and Pandit Jawaharlal Nehru opposed Mr Rajagopalachari's resolution and that Pandit Jawaharlal even supported the counter resolution of Mr Jagatnaram Lal. It may also be worthy of note here that Mr Jagatnaram Lal made it definitely clear in the course of his speech in support of his counter resolution as to what his real object was in moving the counter resolution. He said: "It might be well felt that if Mr Rajagopalachari's resolution falls then there is no need for this resolution of mine to be moved. But that is not so. I want the A I C C to give a clear and unequivocal declaration against the disintegration of India. I appeal to the members of the A I C C to give here right now their firm, clear and unequivocal mandate against the disintegration of our country and against Pakistan. And the A I C C did it."

Again on 8th August 1947 the A I C C adopted in its Bombay session a resolution which is now well known and which contained among other things a declaration which

* It appears that notice of this resolution had been given by one Mr K. Sandanar, a member of the A I C C. It was actually moved by Mr Rajagopalachari, and seconded by Mr Santanam. This had been allowed by the President of the A-I C C.

definitely envisaged a federal form of government, more or less on the American lines, for the whole of India, with the maximum of autonomy for the constituent units and the residuary powers vesting in them. It did not countenance any partitioning of India. As hinted above, the Constitution of the United States of America is on similar lines. And, according to a declaration of Chief-Justice Chase of the Supreme Court of the United States in the famous case of *Texas v. White*, that "Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States." There can be no question of separation or partition or secession in the United States to day. This must have been meant also by the A I C C.

It is clear from what I have shown above that the resolution of the Congress Working Committee adopted at New Delhi early in April, 1942 was completely neutralized and nullified by the resolutions of the A I C C subsequently adopted by the latter in its Allahabad and Bombay sessions. In view of this, it is not correct to say, as Mr Rajagopalachari has done, that the communal formula "is perfectly consistent with the Congress position as it has been repeatedly set out," nor is it right to maintain, as Gandhiji has done, that "Rajaji's formula gives effect to" the "self determination resolution" of the A-I C C. The A-I C C does not appear to have passed in 1942 any such resolution. The Working Committee's resolution passed at New Delhi may be deemed to have amounted to it, but it has been nullified by the A-I C C. This is the correct constitutional position now.

The communal formula of Mr Rajagopalachari, therefore, is not only anti-national, but also anti-Congress. Indeed, it is a negation—nay, a betrayal—of the ideal which the Congress has placed before itself during the last sixty years of its

existence and for which thousands of Indians have suffered and many of them have even lost their lives

The offer of the formula amounts to a complete reversal of the entire policy of the Congress. It looks like a panicky remedy born out of sheer defeatism and loss of faith in our ideal. The eyes of the protagonists of the formula are fixed too near the ground to see the horizon. This attitude of settlement at any price is not only fundamentally wrong in principle but will also bring irretrievable disaster to our Motherland in the long run. Maulana Nuruddin Behari hardly exaggerated when he said before the last Allahabad Session of the A I C C. *The whole thing (i.e. the idea of partition) is politically retrograde economically unsound and culturally ridiculous.* Apart from objections to it on political economic financial ethnological cultural and strategic grounds partition will not solve our communal problem. It will accentuate and perpetuate it. It is in fact based upon the foolish but dangerous principle of reciprocal hostages. And this will lead not to inter communal peace harmony and goodwill in this country but ultimately to a prolonged civil war and accompanying miseries resulting from actual or imaginary grievances of minorities in Hindustan as well as in the North East and the North West of India. Royপুরা and Narsingdi in the district of Dacca will be answered by Bihar Sheriff in the province of Bihar and so on and so on. And those who glibly suggest in this connexion a large scale exchange of population between Hindustan and Pakistan with a view to ensuring homogeneity in them do not really know what they are talking about. Apart from the miseries and sufferings which it will entail on millions of innocent Hindus and Muslims distance and numbers together will prevent it. The communal formula will therefore grant the right of self-determination to

the majorities in the North East and the North West of India and the blessings of coercion and many other things better left unmentioned here to the minorities in those areas. If this much abused doctrine of self determination is foolishly applied to sections of the population in a country on a religious basis then the minorities also in the areas affected should have this right of self determination on the same ground. Logic and reason therefore require that there should be parallel governments over the same territories for majorities and minorities. This alone would bring home to the thoughtless champions of this right of self determination the absurdity of the whole position. It is indeed absolutely ridiculous to say that any particular area in India is the homeland of any particular community. It is the common homeland of all communities that live in India to day⁶

II

Another question arises in this connexion. Who has given to these protagonists of the principle of settlement at any cost the power of attorney to barter away the rights and privileges, culture and traditions nay the very existence with self respect of the minorities in the North East and the North West of India? Are those unfortunate human beings who by a mere accident constitute these minorities mere herds of cattle, mere slaves in a plantation or only chattels to be hawked about from place to place? Are they living in the *Ahas* patrimonial estate of anybody to be exchanged away for any consideration at the sweet will of its owner in a perfectly mercenary fashion? Or are they to be used as mere pawns in the political games of some of our ambitious leaders? No

⁶ Also see Article 3 section IV in this connexion

they are none of these things. They are human beings with a full share of sentiments and emotions like any other human being. And these sentiments and emotions must be respected in the determination of their political future. Moreover what offence have they committed to deserve the dire punishment proposed by the communal formula in the event of the happening of certain circumstances? Are they to pay the penalty for the blunders committed by the Congress "High Command" and by some 'Congress' Ministers in some 'Congress' Provinces in 1937-39?

Mr Rajagopalachari has said that he wants a Confederation of India rather than a Federation of India. As if the syllable 'Con' makes no fundamental difference between the two. Confederation he should have known is a union or association of independent States from which its component units are free to withdraw at will while a true federation is a single State in which there is no right of secession. Confederation has failed everywhere—in the United States, Switzerland and in Germany. It is a rope of sand which binds no one. And why should we jump from the traditions of the unitary form of Government particularly established since 1833 to the other extreme of a Confederation when there is a far better alternative of a Federation for the whole of India? Confederation is sure to lead India back to its disintegrated condition of the 18th century.⁷

⁷ Those persons who refer in this connexion to the Constitution of the U.S.S.R. do not appear to have properly understood it—particularly the nature of the relation of the Union to the constituent Republics in it. Nor do they seem to have properly realized the position of the All Union Communist Party in relation to the actual working of the Constitution of the Soviet Union. As is well known this Communist Party is the only legal political party in the country and holds the key positions in the administration of the State. And that means everything that matters in the government of a country. Nor again should we forget here the position and importance of one of the Constituent Republics in the Union, namely

Some protagonists of the communal formula seem to have been heartened by the chatterings of some young men mostly yet in their teens belonging to a particular political party. These chatterings do not represent the voice of Nationalist India. And I should like to warn those protagonists that because to quote the words of Burke used in another connexion⁸ half a dozen grasshoppers under a fern make the field ring with their importunate chink whilst thousands of great cattle chew the cud and are silent pray do not imagine that those who make the noise are the only inhabitants of the field or that of course they are many in number or that after all they are other than the little shrivelled meagre hopping though loud and troublesome insects of the hour.

It has been held by some people that whatever grave objections there may be to the communal formula the personality of Gandhiji will prevail against them. I do not know. But if it so happens it would be deplorable. Principle must triumph over personality and that is what Gandhiji himself has taught us. Gandhiji is after all a human being and is not infallible. He can honestly commit an error of

The Russian Soviet Federative Socialist Republic the Russia Proper which comprizes about 90 per cent. of the area of the Union. Regarding had to all aspects of the Constitution of the Soviet Union it will not be far from wrong to say that the Union is a "voluntary union" only a name and that the right of secession granted to each Constituent "Republic" is only a paper right.

Moreover in view of the changes that have occurred not since 1913 it is rather difficult to say that the Soviet Constitution has yet taken a stable and final form. Nor is it sufficiently old to give us a proper guidance. We should be guided by such Constitutions as have stood the test of time and taken a stable form. Not long ago much was made of certain features of Italian Fascism. Where are those features now? This is a difficulty inherent in a new Constitution and it is unwise and may even prove dangerous to imitate it.

⁸ Burke *Reflections on the Revolution in France* (Payne Oxford)

judgment That does not mean that we must acquiesce in it Gandhi is undoubtedly great but India is certainly much greater' And there should be a limit to idolatrous hero worshipping⁹

⁹ Those people who indulge in such idolatrous hero-worshipping apparently with a view to pleasing Gandhi, forget the following statement of the latter made before a meeting of the A I C C, held at Wardha on January 10th 1942 —

"My non-violence teaches me that I should carry the people with me only if they can come with me because of my reasoning and as a result of their own judgment.

THE NEGOTIATIONS AND AFTER

THE LAHORE RESOLUTION OF 1940 AND MR JINNAH*

I

In a sense, it is a matter of deep and genuine satisfaction to every true nationalist in India that the negotiations between Gandhiji and Mr Jinnah have broken down. The reason is that these negotiations were, as it has since transpired, proceeding on the basis of some form of division of India, which no true nationalist can view with equanimity. In a later¹ article in this series I shall deal with the position taken by Gandhiji during the negotiations and afterwards. In this article I should like to examine the position taken by Mr Jinnah during those negotiations and also afterwards.

II

At its 27th Session, held at Lahore in March 1940, the All India Muslim League resolved² among other things, that— 'no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles *viz.*, that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North Western and Eastern zones of India, should be grouped to constitute "Independent States" in which the constituent units shall be autonomous and sovereign,' and that—

* Originally published in *The Modern Review* of December 1944

¹ See the next Article

² See Appendix A

"adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in the units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights, and interests in consultation with them"

The resolution also contemplated exactly identical safeguards for Muslim and other minorities in the "parts of India where the Muslims are in a minority"

Further, the Muslim League authorized its "Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary"

It may be noted here that the first part of the resolution, as quoted above, is not free from ambiguity. What do the expressions "Independent States" and "the Constituent Units" really mean? And, secondly, if "the Constituent Units" are to be "autonomous" and "sovereign" how can they be in the "Independent States"? Thirdly, what is the significance of the word "autonomous" here? If any political entity is "sovereign," it is *ipso facto* autonomous, unless the term "sovereign" is used in less than its technical sense. Did the authors of the resolution use the term "sovereign" in the same sense in which the Indian States are said to be "sovereign"? They might have. But in that case there would be some conflict with the concluding part of the resolution as shown above. Again, what does the word "finally" in the concluding part mean? Does it keep the door partly open for some negotiation with other communities or parties in India? Probably, it does. Otherwise, it has no meaning here.

Another point worthy of note in connexion with the

resolution is that the plural terms "regions," "areas," "zones," "Independent States," and "respective regions" in it unmistakably point to one thing, namely, that the authors of the resolution intended the creation of certainly more than one "Muslim" State in the North West and the North East of India.

Now I shall refer to the interpretation which Mr Jinnah put upon the resolution both during his negotiations with Gandhiji and afterwards. Among other things, he has stated

'According to the Lahore Resolution, as I have already explained to you (*i.e.* Gandhiji) all these matters (*i.e.*, foreign affairs, defence, etc.), which are the life blood of any State, cannot be delegated to any central authority or Government. The matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution making body of Pakistan and that of Hindustan, or other party concerned to deal with on the footing of their being two independent States.'³

Again⁴

"The Lahore resolution stated that the division should be on the basis of the present boundaries of the six provinces, namely, N-W F P, the Punjab, Sind, Bengal Assam and Baluchistan subject to territorial adjustments that might be necessary."⁵

Further⁶

"If the principle of division was accepted then it followed that both Hindustan and Pakistan would

³ See Mr Jinnah's letter to Gandhiji dated 20th September 1944.

⁴ From Mr Jinnah's views as set forth at the Press Conference held at Bombay on 4th October 1944.

⁵ Mr Jinnah emphasised the words subject to and explained that territorial adjustments did not apply to one side only but to both sides Hindustan and Pakistan.—See *Ibid*.

⁶ See *Ibid*.

have to choose their own constitution making bodies. Those bodies as representing two sovereign States would deal with questions of mutual and natural relations and obligations by virtue of the physical contiguity and they would then as two independent sovereign State—two nations—would come to an agreement on various matters. Take the case of America.⁷ There are 23⁸ independent sovereign States in America. They have their treaties and agreements with regard to their mutual interests. Even so the States in Europe have their own agreements with each other for trade and commerce, and even alliances. These are things that can be adjusted. Agreements and treaties are entered into even between two countries that have no physical contiguity. Here the two nations are neighbours and have physical contiguity.”

Lastly⁹

“There is only one practical, realistic way of resolving Muslim-Hindu differences. This is to divide India into two sovereign parts of Pakistan and Hindustan by the recognition of the whole of the North-West Frontier Province, Baluchistan, Sind, Punjab, Bengal and Assam as sovereign Muslim Territories as they now stand, and for each of us to trust the other to give equitable treatment to Hindu minorities in Pakistan and Muslim minorities in Hindustan. We

⁷ By “America” here Mr Jinnah obviously meant the whole of North and South America, and not the United States of America, as some people have misunderstood him to have done.

⁸ 23 in one version.

⁹ See his statement to a foreign correspondent (*The News Chronicle*), dated at Bombay, 6th October 1944 (A.P.I. message).

are prepared to trust 25 million Muslims to them if they will trust us' (sic)

One thing may be noticed here As I have shown before, the Lahore resolution definitely envisaged more than one Muslim, sovereign State on the North West and the North East of India Mr Jinnah has now, perhaps, realized its many practical difficulties and, has therefore, in anticipation of the sanction of the Muslim League, been arguing on the basis of one independent and sovereign Muslim State, "composed of two zones, north west and north east, comprising six provinces, namely, Sind, Baluchistan, the N W F P, the Punjab, Bengal and Assam"¹⁰ This is very significant His next move—rather demand—would be that there should—"should" at first but "must" later on—be a corridor through the State of Hindusthan to link up the north western and north eastern zones for the proper functioning of the State of Pakistan Then some of his followers would begin to echo his voice, and urge "The Hindus should make this little 'brotherly' gesture" Thereupon, some Congressmen or ex Congressmen would come forward and say "Yes this is only fair" This is not an imaginary picture Things have been happening in this way during the last few years However, this is only by the way

It is evident from the interpretation which Mr Jinnah has put upon the Lahore resolution that, according to it the future relationship between the North West¹¹ and the North East¹² of India and the rest of India is to be of the same character as subsists, or may subsist, as a result of treaties agreements or alliance, as between say, England and France or Spain,

¹⁰ See his views above and also his letter to Gandhiji dated 25th September 1944

¹¹ Sind, Baluchistan the N W F P, and the Punjab

¹² Bengal and Assam

France and the U.S.S.R., Germany and Italy or Turkey, or Turkey and England, in Europe, or, as between the United States and Mexico, or the United States and Brazil or Argentina, for instance, in America. That is to say, this relationship is to be based upon mere treaties, agreements, or the principles of an alliance, as between two or more absolutely independent and sovereign States. The view embodied in the resolution thus interpreted, appears to be so puerile, but, at the same time, so preposterous and dangerous, that I cannot yet persuade myself to believe, without seriously questioning their patriotism and without insulting their intelligence and political acumen, that the authors of the resolution, being children of this soil did really mean what they have been represented by their leader to have meant. Has communalism really so much warped our judgment that some of our best men cannot see things in their true and natural perspective? Has it altogether destroyed their political foresight? Ours is really a very unfortunate country!

May I, in this connexion, ask the authors of the Lahore resolution, and particularly, its interpreter who is said to be a lawyer of eminence, what will be the sanction of the treaties and agreements which the latter has in view? And we must bear in mind that these treaties and agreements are to govern matters of such vital concern to the whole of India as foreign affairs, defence, customs, currency, etc. Treaties and agreements between two or more sovereign States do not create a common political authority superior to the contracting parties. What will happen in case of non conformity, on the part of one of the contracting parties to a treaty in India to the terms of the treaty? And who will adjudicate in a dispute arising from such a treaty? Further, what will be the value of such adjudication, assuming that a machinery is set up for this

purpose without a sanction behind its award? These are very pertinent questions which cannot be shelved or trifled with. Nor can they be dismissed as merely academic or pedantic. In the absence of an effective sanction of the treaties and agreements which Mr Jinnah contemplates "self help in its most licentious form" will be the only remedy left to the peoples of the States of Hindusthan and Pakistan for the enforcement of their terms in the event of disobedience by either party. That is to say these two States will have from time to time to resort to "war the litigation of States". Thus if there is no common political superior in the form of an efficient central authority for the whole of India we shall be compelled to have from time to time the arbitrament of the sword and that means frequent war in this country with all its accompanying miseries and sufferings together with the danger of an effective foreign intervention and the re-conquest of India by a foreign power. This is the lesson of historic experience rightly characterized as the best oracle of wisdom and the least fallible guide of human action.

There is it must be remembered a fundamental difference between an Alliance or even a Confederation and a Government proper. As Alexander Hamilton rightly pointed out¹³ long ago in reference to the views of those of his countrymen who like the Muslim separatists in India had been opposing the proposed creation of the Federation of the United States or America. Government implies the power of making laws. It is essential to the idea of a law that it be attended with a

¹³ See *The Federalist* (Lodge's edition 1888) No. XV.

I would very respectfully request every Muslim separatist in India to go through the pages of *The Federalist* and particularly of *The Federalist* Nos. I—XVI.

Also see Woodrow Wilson *The State* 1919 pp. 287-88.

sanction, or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will in fact, amount to nothing more than advice or recommendation." And advice is not command. In the absence of a competent central authority the tie of the proposed alliance between Hindustan and Pakistan will be too feeble to bind either. It will be a mere rope of sand.¹⁴ As the same American sage¹⁵ further pointed out,—

There is nothing absurd or impracticable in the idea of a league or alliance between independent nations for certain defined purposes precisely stated in a treaty regulating all the details of time place circumstance and quantity, leaving nothing to future discretion, and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civilized nations subject to the usual vicissitudes of peace and war of observance and non observance, as the interests or passions of the contracting powers dictate. In the early part of the

¹⁴ All the arguments set forth in this article against any kind of alliance between Hindustan and Pakistan will apply equally well to a Confederation of India, as proposed by Mr C. Rajagopalachariar and some other persons.

Referring to the inherent weaknesses of the Confederation of the United States (1781-89) Woodrow Wilson has observed. It (i.e. the Confederation) was given absolutely no executive power and was therefore helpless and contemptible. Its only power to govern was a power to advise. It could ask the states for money but it could not compel them to give it, it could ask them for troops but could not force them to heed the requisition. It could make treaties but must trust the states to fulfil them. It could contract debts but must rely upon the states to pay them. It was a body richly enough endowed with prerogatives but not at all endowed with powers. The United States or Congress assembled formed a mere consultative and advisory board."—*The State* 1919 pp. 258

¹⁵ See *The Federalist*, No. VI.

present century¹⁶ there was an epidemical rage in Europe for this species of compacts, from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the equilibrium of power and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances were formed, but *they were scarcely formed before they were broken*,¹⁷ giving an instructive but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith, and which oppose general considerations of peace and justice to the impulse of any immediate interest or passion."¹⁸

The importance of this statement will, it is hoped, excuse its quotation at length. Another observation of this great American statesman is particularly worthy of note in this connexion. 'To look,' said¹⁹ he, 'for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighbourhood, would be to disregard the uniform course of human events and to set at defiance the accumulated experience of ages. But notwithstanding the concurring testimony of experience, in this particular, there are still to be found visionary or designing men, who stand ready to advocate the paradox of perpetual peace between the States, though dismembered and alienated from each other.' On the other hand, he warned 'weakness and divisions at home would invite dangers from abroad.' Those who advocate the partitioning

¹⁶ I.e. the 18th century

¹⁷ The italics are mine

¹⁸ Also see F. E. Smith (*Lord Birkenhead*) *International Law* pp. 91 f.

¹⁹ See *The Federalist* Nos. VI and V

of India into two or more sovereign and independent States as a solution of our communal problem, may not be put in the category of "designing men" as contemplated by Alexander Hamilton, but they are certainly Utopian visionaries if they think that they will thereby bring peace, harmony, goodwill, and prosperity to this country. No, their policy will, even if we somehow succeed in gaining freedom from foreign control, ultimately spell red ruin to it. It may be true that they have had some legitimate causes of resentment at the treatment they received from the Congress High Command, or from some Congress Ministers, in the past, and I am one of those who believe, as I have shown in another connexion,²⁰ that when in 1937 the Congress decided to accept office, it committed a political blunder in not offering, of its own free will, to form, in co-operation with the Muslim League, coalition governments in the six Governors' Provinces in which it then commanded a majority of votes in the local legislatures. But does all this justify the attempts now being made to inflict a mortal wound upon our common Motherland?²¹ I put this question in all humility and seriousness to the protagonists of separatism in this country. And it must be borne in mind in this connexion that the Congress is not going to be a perpetual institution. As a matter of fact, all the existing political parties may be *functi officio* with the attainment of freedom by India, and there may come into being, and signs thereof are not wanting even now, new parties on altogether different bases.

²⁰ See my paper "The Problem of Party Government in India," read at the Third Indian Political Science Conference, held at Mysore in December 1940, and published in *The Indian Journal of Political Science*, Conference Number, April-June 1941.

²¹ Also see Beni Prasad, *Communal Settlement*, 1944 pp. 27-28.

III

I shall now refer to another aspect of the question namely, the logic and equity of the position taken by Mr Jinnah

In recent years Mr Jinnah has repeatedly asserted that he is opposed to any kind of Federation of India, even though it might be so devised as to ensure all "adequate effective and mandatory safeguards" to quote the words of the Lahore resolution itself, for the legitimate interests of minorities in India as, he fears it will mean, in effect, a "Hindu Raj" This apprehension of his is based on purely imaginary grounds Because along with the statutory safeguards, the Federal Constitution will provide for an independent federal judiciary, which will act as the guardian, as it were, of the interests of minorities as defined in the Constitution Let us assume however, for the sake of argument that his apprehension is well founded, and see what follows

Now what is the percentage of the total Muslim population in India? Roughly speaking, according to the census of 1941, out of a total population of 389 millions living in India 92 millions are Muslims and 255 millions are Hindus This means that the Muslims constitute about 24 per cent of the population of India, say, about one-fourth Let us now see the position in Bengal and Assam According to the same census, out of a total population of a little over 60 millions in Bengal approximately 33 millions are Muslims, 25 millions are Hindus, and 2 millions the rest Similarly, out of a total population of 10 millions in Assam, only 3.4 millions are Muslims and the rest including 4.2 millions of Hindus, are non Muslims These figures mean that the percentage of the Muslim population in Bengal is 55 and that of the non Muslim 45, and that the percentage of the Muslim population in Assam is only 34 and that of the non Muslim 66 And if we take

Bengal and Assam jointly as is the idea of Mr Jinnah, then we find that out of a total population of about 70·5 millions including fractions living in these two provinces 36·4 millions are Muslims. And this means that in these two provinces taken together Muslims constitute only 51·6 per cent of their total population say about 52 per cent²² and non Muslims comprise the rest i.e. at least 48 per cent.

Mr Jinnah objects to an All India Federation because according to him it will be a Hindu Raj over the Muslims of India who constitute only 24 per cent of its total population. But the same Mr Jinnah will have no hesitation and scruple in imposing without even their consent and against their declared will a Muslim Raj over 45 per cent of the population of Bengal and what is still more ridiculous over 66 per cent of the population of Assam and jointly speaking over 48 per cent of the population of Bengal and Assam who are non Muslims. Are these non Muslims mere herds of cattle or slaves in a plantation? This is neither logic nor reason nor equity nor even commonsense. If 24 per cent of the population of India has a right to object to the establishment of an All India Federation because it will mean according to Mr Jinnah a Hindu Raj then certainly 45 per cent of the population of Bengal 66 per cent of the population of Assam and 48 per cent of the combined population of Assam and Bengal have a far greater right to object to the establishment of a Muslim Raj over them²³. And be it remembered that these non Muslims of Bengal and Assam comprise a community which is far more advanced than the Muslims of these

²² This percentage will further go down if the Province of Bengal is re-constituted on the linguistic basis and the Bengali speaking population in the adjoining districts to its west, is included within it.

²³ In regard to the two-nations theory of Mr Jinnah which is a myth see Article 2 in this volume.

areas educationally economically and politically and this is admitted by Muslims themselves both by their words and by their action. Further if there has been any political progress in India during the last sixty years it has been largely due to the activities sufferings and sacrifices of the members of this very community. And what I have said above in regard to Bengal and Assam will in essence also equally apply to the case of the Punjab.

Again if it is a question of fear of each other which community the Hindu or the Muslim has greater reasons to be afraid of the other? Admittedly some Congress Ministers committed some errors of judgment during the brief period (1937-39) in which they were in office. But the British Governors of the Provinces concerned were also partly responsible for this as they had power under the Government of India Act 1935 and the Instrument of Instructions issued to them thereunder to prevent such errors of judgment if they were really serious. Moreover compare the record of this short Congress rule in India in relation to Muslims with the record of the long period of Muslim rule in India in relation to the Hindu community Hindu culture Hindu religion Hindu temples and the images of Hindu deities. I would not refer to those unpleasant things here. During his negotiations with Gandhiji Mr Jinnah once quoted Dr Ambedkar as an authority on a point. I would only invite in this connexion his attention to what the same Dr Ambedkar has said in Chapter IV of his book entitled *Thoughts on Pakistan* (1941). Nor do I propose to refer partly for want of space and partly for avoiding bitterness to the record of some non Congress Ministries in India since 1937. The best thing is that we should all forget the past and build our future on a new foundation of inter communal goodwill and harmony which

however is impossible so long as Mr Jinnah persists in his present attitude

It has also been argued that if in a divided India the Muslim minorities can agree to live in Hindustan why the Hindu minorities should object to living in Pakistan. The answer to this point is very simple. In the first place the Muslim minorities may have faith in the sense of justice of the Government of Hindustan but the Hindu minorities may not have the same faith in the sense of justice of the Government of Pakistan. Secondly, who have asked the Muslim minorities to accept the position to which it is proposed to relegate them in Hindustan? Certainly not the Hindus. It is some of their own leaders who are toying with their destiny thinking perhaps that the Hindu minorities in Pakistan will be held as hostages for them in Hindustan. Thirdly, to be a part of a common whole in an undivided India is one thing but to be a part of Hindustan in a divided India is quite a different thing. Now knowing all this and the risks involved therein if the Muslim minorities in the proposed Hindustan areas, deliberately or misled by their leaders want to commit their political suicide does it follow that the Hindus elsewhere should also do the same? It is like arguing that because A wants to commit suicide therefore his neighbour B must also commit suicide. Fourthly, why will these Hindus allow themselves to be cut off from the rest of Hindu India and from its immemorial cultural and religious associations? They look upon the whole of India as their Motherland and they must remain its nationals and citizens. They consider this to be their birth right and they will never agree to forgo this right just for the sake of placating a few unreasonable communalists.

In conclusion I should like to say that Mr Jinnah should

be well advised by his followers to give up the wild goose chase of Pakistan. It will prove a veritable *fata morgana*. It will and can never materialize notwithstanding all encouragement which some British politicians and some organs of the British press may have given to it under the impulse of a sinister motive. It is no use ploughing the sands. Mr Jinnah should also realize if he has not already done it that his movement has created enough bitterness in this country and spread a miasma of hatred throughout the land. Hatred begets hatred and communalism begets communalism. Even people who had never any trace of communalism in them before are being gradually infected with its virus. It is such a terribly infectious poison.

Mr Jinnah often pleads for realities. He should himself face some realities. With talks of Pan Islamism in the air and the declaration from time to time by many responsible Muslim leaders that a Muslim's first loyalty is to Islam and that his loyalty to his country comes afterwards, Mr Jinnah would be in a dream land if he ever expected that the Hindus and the Sikhs would agree to the partitioning of India and to the creation of two sovereign Muslim States on its North Western and North Eastern frontiers²⁴. Even if Gandhiji misled by another Mephistophelean move persuades himself to agree to his terms nothing will follow. With all his influence Gandhiji will not be able to deliver the goods to him. He will be simply repudiated by Hindu and Sikh India. And Mr Jinnah surely knows the history of the partition of Bengal. This is a fundamental point. The sooner Mr Jinnah realizes it the better for all of us. Next even a large section of the Muslim community of India is definitely opposed to

²⁴ See in this connexion Stanley Rice's article *India - Partition or Unity* in *The Asiatic Review* January 1943

partition Thirdly the Princely Order in India is against it⁵ And only a bedlamite can believe that any satisfactory reconstruction of the future governmental system of this country is possible with the Indian States out of it Fourthly other minority communities in India have unequivocally declared their adhesion to the principle of the unity and integrity of India And lastly there are the very weighty pronouncements of two successive Viceroys of India Lord Linlithgow and Lord Wavell on the question of the geographical unity of India and its implications⁶ Many people do not appear to have realized the full significance of the present Viceroy's statement that no man can alter geography Unfortunately we often forget in our enthusiasm that Government is neither poetry nor romance nor demagoguery nor again stump oratory Much of our trouble will disappear if Muslim separatists will kindly feel that reason cannot be on their side alone and that they are not infallible Most of them are so wedded to their own opinions as to be quite unable to see any other point of view They have promised adequate effective and mandatory safeguards to minorities in Pakistan If that be all why should they object to an All India Federation in which also they can insist on and can easily have similar safeguards for the Muslim community

Not long ago Mr Jinnah played a great role in the politics of India as a nationalist Let him go back to that role again and lead his countrymen to their cherished goal of a Free and United India—a United States of India composed of autonomous units joined together in a federal union with

⁵ See the Maharaja Jam Sahib of Nawanagar's article *The Future of India and the Princes* Ibid Also see Sir C P Ramaswami Aiyar's recent speeches.

⁶ See Article 6 Part V in this connexion

adequate statutory safeguards for all racial or religious minorities in respect of their language religion culture traditions and other rights. He will be remembered by posterity as one of the Makers of Modern India. But if unfortunately he persists in his present attitude he will do real good to none—neither to his Motherland nor even to his own community. He will only succeed in creating more bitterness in this country. Federation is the only solution of our problem. Partition will lead to our annihilation. Persistence in unreason will provoke unreason. And if unreason is pitted against unreason it will ultimately lead to consequences which I had better not describe here but which can be imagined by all sensible people.

THE NEGOTIATIONS AND AFTER POSITION OF GANDHIJI¹

I

In this article I propose to deal with the position taken by Gandhiji during his recent negotiations with Mr Jinnah and afterwards

II

In his letter dated 24th September, 1944 Gandhiji wrote to Mr Jinnah, among other things²

With your assistance I am exploring the possibilities of reaching an agreement so that the claim embodied in the Muslim League Resolution of Lahore may be reasonably satisfied

I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north west zones i.e. Baluchistan Sind N W F P and that part of the Punjab where they are in absolute majority over all the other elements, and in parts of Bengal and Assam where they are in absolute majority desire to live in separation from the rest of India

Differing from you on the general basis, I can yet recommend to the Congress and the country the acceptance of the claim for separation contained in the Muslim League Resolution of Lahore on my basis and on the following terms —

The areas should be demarcated by a Commission

¹ Originally published in *The Modern Review* of January 1945

² See *The Statesman* and *Hindusthan Standard* of 29th September 1944 (Dak Edition)

approved by the Congress and the League. The wishes of the inhabitants of the areas demarcated should be ascertained through the votes of the adult population of the areas or through some equivalent method.

"If the vote is in favour of separation, it shall be agreed that these areas shall form a separate State as soon as possible after India is free from foreign domination and can, therefore, be constituted into two *sovereign independent States*.

"There shall be a *treaty* of separation which should also provide for the *efficient* and *satisfactory* administration of foreign affairs, defence, internal communications, customs, commerce and the like which must necessarily continue to be matters of common interest between the *contracting parties*.

"The *treaty* shall also contain *terms for safeguarding* the rights of minorities in the two States.

"Immediately on the acceptance of this agreement by the Congress and the League, the two shall decide upon a common course of action for the attainment of the independence of India.

"The League will, however, be free to remain out of any direct action to which the Congress may resort, and in which the League may not be willing to participate³.

If the letter from which the above extracts have been taken, has been correctly reported in the Press, as is very likely, then there is some confusion of ideas in it. It is not very clear from the language which Gandhiji has been reported to have used in extract 5 as quoted above, as to whether the

³ The italics in these extracts are ours.

Muslim-majority areas as contemplated by him are to constitute "a separate State" or 'two sovereign independent States'. Probably he meant—and this also follows from the wording of extract 7 above—that if the plebiscite suggested by him favoured separation then India after it had been freed from foreign domination was to be divided "into two sovereign independent States". Our examination of Gandhiji's position in this article will proceed on this assumption—which we believe to be correct—of his view on this particular point.

Gandhiji suggested the formula contained in the extracts quoted above, in place of that which is popularly known as the 'Rajaji' (or the C R) formula for the settlement of the Indian communal problem, but which had also previously received his own approval. He did this because Mr Jinnah had stated, in his letter to him dated 11th September, 1944, that the Rajaji formula⁴ had not only put the Lahore Resolu-

⁴ For convenience of reference and comparison we may reproduce here the Rajaji formula.

- (i) "Subject to the terms set out below as regards the constitution for free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional interim government for the transitional period.
- (ii) "After the termination of the war a commission shall be appointed for demarcating contiguous districts in the North-West and East of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan such decision shall be given effect to without prejudice to the right of districts on the border to choose to join either State.
- (iii) It will be open to all parties to advocate their points of view before the plebiscite is held.
- (iv) "In the event of separation mutual agreements shall be entered into for safeguarding defence and commerce and communications and for other essential purposes.
- (v) Any transfer of population shall only be on an absolutely voluntary basis.

tion⁵ of the Muslim League "out of shape" but also 'mutilated it'⁶ We shall refer hereinafter to the formula presented by Gandhiji himself as the "Gandhiji" formula. Let us now analyse the implications of the formula.

According to this formula, India is to be divided into two sovereign, independent States, and these two States are to be "the contracting parties" to 'a treaty of separation'. And this treaty of separation is to "provide for the *efficient* and *satisfactory* administration of foreign affairs, defence," etc.⁷ Further the treaty "shall also contain terms for safeguarding the rights of minorities in the two States". And in the course of an interview granted to a correspondent of *The News Chronicle*, London on 29th September, 1944, Gandhiji is reported to have said

"It was my suggestion that provided there was the safeguard of a plebiscite, there could be *sovereignty* for predominantly Muslim areas but it should be accompanied by *bonds of alliance* between Hindustan and Pakistan. There should be *common policy* and a *working arrangement* on foreign affairs, defence, communications and similar matters. This is manifestly vital to the welfare of both parts of India."⁸

With all due deference to Gandhiji, we are constrained to observe that in expressing these views as he has done, he has

(vi) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India.¹

Also see Appendix B

⁵ The relevant extracts from this Resolution were published in the third Article in this Volume. Also see Appendix A

⁶ Gandhiji has been reported to have said on 29th September 1944 to a correspondent of *The News Chronicle*, London that Mr Jinnah had "rejected Rajaji's formula". See *Gandhi-Jinnah Talks*—*The Hindustan Times* p. 47

⁷ See extract 6 from Gandhiji's letter of 24th September 1944 as quoted above. The italics are ours.

⁸ See *Amrita Bazar Patrika* of 3rd October 1944 (Dak. Edition), and *Gandhi-Jinnah Talks* p. 47. The italics are ours.

spoken like a layman who is totally ignorant of the lessons of the history of Federations like the United States Switzerland and the German Empire (formed in 1871) and who does not know how human nature works in Politics whether national or international. Moreover there are as we shall shortly see not merely misuse of political terms but also some inherent contradictions in his views. May we ask him in all politeness what will be the sanction of his "treaty of separation"? In the absence of a common central authority capable in the last resort, of enforcing its decisions if necessary with the application of physical force who will enforce the terms of the treaty or of the alliance, as suggested by him in the event of their non fulfilment by either of the contracting parties? *The philosophy of non violence will be worse than useless in such matters.* Government is not a matter of charity, goodwill advice instruction or even persuasion. Ultimately it involves the application of physical force. And it must be borne in mind in this connexion that this "treaty of separation" is to govern matters of such vital concern to India as foreign affairs, defence etc. We do not like to repeat here what we have already said in our previous article⁹ in this series in connexion with the position taken by Mr Jinnah. We only want to emphasize here that all those arguments which we have put forward against that position apply with equal force to the position taken by Gandhiji in this matter. It is indeed, not only a gross but a very dangerous, delusion to think that a treaty as contemplated by Gandhiji, can solve the Indian problem satisfactorily. The very same arguments may also be advanced against the view taken by Gandhiji when he clarified, in his letter to Mr Jinnah

⁹ Published in *The Modern Review* of December 1944. See the preceding Article

dated 11th September 1944 clause (iv) of the Rajaji formula¹⁰ He said *Mutual agreement* means *agreement* between *contracting parties* Safeguarding defence etc means for me a central or joint board of control Safeguarding means safeguarding against all who may put the common interests in jeopardy¹¹ This is mere paraphrasing unless Gandhiji meant that his central or joint board of control would be a real Government amply vested with legislative judicial and executive powers and capable in the last resort of enforcing its will if necessary with the application of physical force And if he did really mean this then there would be no room for the continuance of separate *contracting parties* They would be *ipso facto* merged in one Indian Union or Federation and would form politically a single State

If however it is argued against the position taken above by us that under the Gandhiji formula there will be a treaty of separation which will provide for the efficient and satisfactory administration of foreign affairs defence¹² etc then our reply is that this is the very thing which the proposed treaty will not be able to ensure Apart from what we have already said in our previous article¹³ against the efficacy of such treaties we may observe here that a treaty between two or more independent and sovereign States cannot permanently and effectively bind them The reason is that it does not create a political power superior to the contracting parties Moreover as a distinguished American political scientist¹⁴ has

¹⁰ See foot note 4 above

¹¹ The italics in this quotation are ours

¹² See extract 6 from Gandhiji's letter of 24th September 1944 as quoted above

¹³ Published in *The Modern Review* of December 1944 See the preceding Article

¹⁴ See W W Willoughby *An Examination of the Nature of the State*, pp. 198-99

rightly pointed out in another connexion, "*rebus sic stantibus*," expressed or implied, is a clause in every treaty, and States have ever asserted the right to declare such instruments of no force when by change of conditions their welfare has become so greatly affected or menaced as to overbalance the evil results to be expected, by way of retaliation or otherwise from the violation of their faith as given in a treaty "

If, however, the words "efficient" and "satisfactory" have been used by Gandhiji to mean what they really imply then there must be, by force of logic a single State for the whole of India, an All-India Union or Federation—and not a Confederation nor an Alliance, of Sovereign States as the expression "a treaty of separation" seems to imply Gandhiji owes it to the people of India to explain what he really meant by his formula There must not be any subterfuge intentional or unintentional, or any hide and seek policy in such a vital matter As it is, the formula is self-contradictory If, however, Gandhiji says that he really meant by his formula the creation of a Federal Constitution for the whole of India, then we have no quarrel with him In that case he should abandon the use of such misleading terms as 'a treaty of separation' "two sovereign independent States," "two States," etc, and openly declare that India should be a Federation of autonomous, constituent units, as suggested by the All India Congress Committee in its resolution, adopted on the 8th of August 1942, in its Bombay Session

In his letter to Mr Jinnah dated 22nd September, 1944 Gandhiji stated 'I can be no willing party to a division which does not provide for the simultaneous safeguarding of common interests such as defence, foreign affairs and the like There will be no feeling of security by the people of India without a recognition of the natural and mutual obligations arising

out of physical contiguity. Certainly, there 'will be no feeling of security by the people of India' without this recognition and also its translation into *consequential constitutional provisions*. But we may point out to Gandhiji that he cannot have both. If he wants to appease the Muslim separatists by conceding to their absurd and unreasonable demand for a division of India, he should not expect any 'simultaneous safeguarding of common interests'. The two things are by virtue of their nature fundamentally incompatible with each other.¹⁵ Indeed it appears to me after a very careful consideration of the correspondence that passed between Mr Jinnah and Gandhiji and also of what followed the break-down of their negotiations that Gandhiji's mind must have been in a serious conflict during the negotiations between two things—his desire to maintain in consonance with his unequivocal declarations in the past the unity and integrity of India as far as possible—and the implications of the commitment he had made by giving his assent *while he was fasting*¹⁶ to the communal

¹⁵ Gandhiji has also been reported to have said at a Press Conference at Bombay on 28th September 1944 that he accepted the principle of sovereign States consistent with friendliness. And friendliness suggests, he said, that before the whole world we must act as one nation not united by extraneous circumstances or united by force of British arms but united by a greater force that is our own determined will. This is undoubtedly a very fine sentiment. But, unfortunately the politics of sovereign States and friendliness as Gandhiji contemplates are seldom compatible with each other. Things would not be otherwise here. As Spinoza rightly pointed out long ago, two States are natural enemies. And this is particularly so in the case of border States. Gandhiji cannot have both 'sovereignty and friendliness'. *Federalism* is the only durable and satisfactory solution in a case like ours. Gandhiji should work for that.

¹⁶ It appears from a statement of Mr C. Rajagopalachariar to the Associated Press of India, dated at Panchgani 9th July 1944 that he "had secured Gandhiji's personal approval even during his fast" in February—March last year (i.e. 1943) for the formula that he was then releasing to the public. We cannot help remarking here that it is really strange that Mr Rajagopalachariar should have chosen to present his highly complicated formula with its far-reaching implications to Gandhiji when the latter had

formula which Mr C Rajagopalachari had presented to him at Poona. As a consequence the offer made by Gandhiji himself to Mr Jinnah is indefinite misleading and self contradictory. It cannot really solve the Indian problem unless it has for its object the establishment of an All India Federation composed of autonomous constituent units with adequate statutory safeguards for all racial or religious minorities in this country. But in so far as the offer made by him concedes the principle of separation or partition it has the same mischievous potentialities as the Rajaji formula. The partitionists would make a full use of it in a future negotiation for the settlement of our communal question and the enemies of India's unity would not be slow to take a full advantage of it either. And Gandhiji has said that so far as he is concerned the offer made by him stands.¹ Moreover in his correspondence¹⁸ with Mr Jinnah Gandhiji again and again assured the former that although he refused to assume any representative capacity, he pledged himself to use all the influence he might have with the Congress to have any agreement reached between them ratified by the latter. And this means much

been fasting and therefore could not possibly be being a human being in a sufficiently proper and alert state of mind and body. (*The italics are ours.)

Gandhiji has been reported to have said at the Press Conference held at Bombay on 28th September 1944. When he (i.e. Rajaji) found me in the Aga Khan Palace and presented the formula (i.e. the Rajaji formula) I did not take even five minutes and I said 'Yes' because I saw it in a concrete shape. (The italics are ours.) We do not know if the implications of the Rajaji formula were so simple as to enable Gandhiji to come to a decision within five minutes. At least we do not think so. Perhaps Gandhiji has since realised that the formula is not really so simple as it may have appeared to him when he was fasting. At any rate this only confirms what we have said above in this foot note.

¹ See Gandhiji's statement at the Press Conference held at Bombay on 28th September 1944.

¹⁸ See for instance Gandhiji's letters to Mr Jinnah dated 11th and 26th September 1944.

* * * * *

Herein lies a danger of the Gandhiji formula. And there is not much essential difference between the Rajaji formula and the Gandhiji formula in so far as their mischief making property is concerned¹⁹. This is our deliberate view. Of course it is far from our mind in saying this to ascribe any sinister motive to the authors of the formulas. We are only exposing here the inherent defects of the formulas and their probable consequences. And Gandhiji himself has invited criticisms of his offer from the general public²⁰.

III

We should also like to refer here to another view of Gandhiji, which we think in the public interest should not be allowed to go unchallenged. At a Press Conference, held at Bombay on 28th September 1944 he has been reported to have said in reference to his own formula

‘I think it is a just solution of the problem and it is in the spirit of the policy which the Congress has *consistently*²¹ adopted in connexion with the communal question, namely self determination”

And with reference to his assent to the Rajaji formula he has been reported to have said at the same Press Conference

Thereby I have not departed from the Congress

¹⁹ And Gandhiji himself said at the Press Conference at Bombay on 28th September 1944. Where there is an obvious Muslim majority they should be allowed to constitute a separate State by themselves and that has been fully conceded in the Rajaji formula or my formula. There is not much distinction between them. That right is conceded without the slightest reservation.

²⁰ See Gandhiji's statement to the correspondent of *The News Chronicle* London dated at Bombay 29th September 1944.

²¹ The italic is ours.

standpoint in general terms Congress has accepted self determination and the Rajaji formula has also accepted the principle of self determination and therefore the formula had become a common ground

Further in the course of a statement to a special representative of the United Press Gandhi has been reported to have previously said ²

At the same time at the time I made the statement you refer to I was also a party to the self determination resolution of the A I C C I hold that Rajaji's formula gives effect to that resolution

The clear implication of these statements is that even though the Gandhiji formula and the Rajaji formula may concede the principle of partition of India yet they are quite in consonance with the object and policy of the Indian National Congress We should like to submit to Gandhiji very respectfully that his view is both wrong and misleading And quoting his own words used in another connexion we may also say that mere assertion is no proof Nor can the repetition of what is not a fact make it a fact We have already dealt with this question in an article entitled *The Rajagopalachari Formula and the Congress* in the October (1944) number of this *Review* ²³ and therefore do not propose to repeat our arguments here We should like to invite Gandhiji's attention to this article and to say only that the Rajaji formula is definitely against the declared policy and object of the Congress The resolution of the Congress Working Committee

²² The United Press message dated at Wardhagany 8th August 1944 It appears from *Gandhi-Jinnah Talks* (*The Hindustan Times*) p 84 that Gandhiji made the statement in question at Sevagram on 7th August 1944 According to this publication the words preceding the word I are At the same time that."

²³ I.e. *The Modern Review* See Article 2 ante and also Appendix F

adopted at New Delhi early in April in 1940 which presumably Gandhiji had in mind when he made the statements quoted above was completely neutralized and nullified by the resolutions of the A I C C (All India Congress Committee) adopted by the latter in 1942 during its Allahabad and Bombay sessions—and in particular by what is now known as the Jagatnaram Lal resolution. This resolution—rather counter resolution—of Mr Jagatnaram Lal which the A I C C adopted on 2nd May 1942 by a majority of 92 votes against 17 during its Allahabad Session and which we have quoted in our article referred to before is so categorical and so unequivocal that there can be no room for any reasonable doubt about its implications in anybody's mind. Moreover the A I C C accepted this resolution of Mr Jagatnaram Lal after he had made it definitely clear in the course of his speech in support of his resolution as to what his real object was in moving it. He had said

I want the A I C C to give a clear and unequivocal declaration against the disintegration of India. I appeal to the members of the A I C C to give here right now their firm clear and unequivocal mandate against the disintegration of our country and against Pakistan.

And the A I C C did it. The A I C C did not pass in 1942 any self-determination resolution. These remarks apply equally well to the Gandhiji formula. We really wonder how after all this Gandhiji still maintains that his formula as well as the Rajaji formula both of which concede the principle of division of India is consistent with the position of the Congress. He seems to be under a misapprehension. This is evident from the following sentence in his letter to Sardar Durlab Singh dated at Sewagram 14th November 1944 —

"Maulana Saheb explained the implications of the Jagatnaram-Lal resolution which please see"

We have seen what the Maulana Saheb said "Giving permission for the resolution moved by Shri Jagat Narayan Lal the President" (Maulana Abul Kalam Azad), says an official document of the Congress, "gave it as *his opinion*"²⁴ that the resolution no way contradicted the position taken up by the Working Committee at Delhi with regard to the question of the demand for the partition of India made by the Muslim League and incorporated in the resolution dealing with Sir Stafford's draft proposals"

This was a purely *personal opinion* of the President as the *Chairman of the All India Congress Committee and not even an official ruling*. Even if it had been an official ruling, it would not have mattered in the least. As we have shown in some detail in our article published in the October (1944) number of this *Review*,^{24a} under the Constitution of the Indian National Congress, the Working Committee, being what it is has no power to act against any policy or programme laid down by the All India Congress Committee or by the Congress itself. Further it is subordinate to the All India Congress Committee which can undo what the former has done. The Working Committee is in a sense a Committee of the All India Congress Committee and an agent of the latter. As its master and official superior, the All India Congress Committee may, therefore with unquestionable constitutionality set aside or repudiate any action or decision taken by the Working Committee. Moreover, the language of the particular resolution of the A-I C C, which Mr Jagatnaram Lal had moved, is to be the determining factor here. And that language,

²⁴ The italics are ours. ^{24a} I.e., *The Modern Review*. See App F

Gandhiji knows very well is absolutely unequivocal and categorical. No personal remark of the President not even an official ruling by him can undo, nullify or neutralize the implications of a resolution which the A I C C while in full possession of all facts solemnly and deliberately adopted. There is no provision in the Constitution of the Congress which empowers the President to neutralize the effect of a resolution which has been adopted by the A I C C. The A I C C itself or its own master the Indian National Congress in its annual or special session can undo it and none else. This is the correct constitutional position. The acceptance of Gandhiji's view would mean the placing of the Working Committee above the A I C C and the enthronement of the dictatorship or absolutism of the President of the Congress. We believe that the Congress is yet a democratic body and not an authoritarian institution. Being a lawyer Mr Jinnah therefore was perfectly right when he pointed out in his letter to Gandhiji dated 25th September 1944 the difficulties created by the Jagatnaram Lal resolution in the way of the division of India so far as the Congress was concerned.

In regard to the much abused and much misunderstood doctrine of self determination referred to by Gandhiji all that we should like to say here is that the right of self determination is as Lord Curzon pointed out once in 1923 like a two edged sword and can be admitted only with reservations. The doctrine is to be applied to a country as a whole and not to any section of its population at its dictation. Otherwise there will be a disintegration of the country. Moreover if the doctrine is unwisely applied to sections of the population in a country on a religious basis then the minorities in the areas affected who may be opposed to the majorities in them should also have the right of self determination on the same ground.

Logic, reason, and equity would, therefore, require that there should be parallel governments, over the same territories, for majorities and minorities. Thus there would be created an absurd situation. The principle of self-determination is not such a simple thing as some people imagine it to be. It is not without any reason, therefore, that we find such a comment on it, in Hall's great *Treatise on International Law*,²⁵ as the following —

"The phrase (self determination) is one of *dangerous vagueness* as encouraging *inordinate* nationalist claims, and its application, in ignoring economic conditions, has led to same *disastrous results*"²⁶

And if Gandhiji applies this principle to sections of the Indian people as he proposes to do, it is sure to lead to equally, if not more, disastrous results for this country.

It may, perhaps, not be out of place to refer here to the Aaland Islands dispute and to a certain view of the Committee of International Jurists, appointed in 1920 by the Council of the League of Nations to give an advisory opinion in this connexion.²⁷ The dispute "was one concerning certain islands which lie midway between Finland and Sweden, inhabited almost exclusively by people of the Swedish race, but which historically and geographically had always formed a part of Finland." The Finnish Government declared that the Aalands were geographically part of Finland and that it was strategically impossible for Finland to surrender them." The Swedish Government complained that the Finns were refusing to allow the Aalanders the right of self-determination."²⁸ As

²⁵ 8th Edition, p. 54n

²⁶ The italics are ours

²⁷ See *The Annual Register* 1920 pp. 153-54, 218-19 and 267 also *The Annual Register* 1921 pp. 76, 152-53, 199-200 and 237-38

²⁸ See *ibid*

a matter of fact, by plebiscites, held in 1918 and again in 1919, the people of the Aaland Islands, writes Professor Garner,²⁹ an American authority on International Law, 'had voted almost unanimously in favour of separation' from Finland. The Committee of Jurists, however, declared its opinion, continues Professor Garner,³⁰ "that there was no rule of positive international law which recognized the right of fractions of peoples as such to separate themselves by a simple act of their own will from a definitely established state of which they form a part, any more than it recognizes the rights of other states to demand such separation. It added that the recognition of the right of self-determination in the form asserted by the inhabitants of the Aaland Islands would amount to an infringement upon the sovereignty of existing states, would lead to destruction of the stability which the very word 'state' implies, and would endanger the interests of the international community."

In June, 1921, the Council of the League of Nations decided to recognize Finnish sovereignty over the Aaland Islands, practically accepting the recommendation of a Political Commission previously appointed by it. And in October, 1921, this decision was accepted by the League of Nations "under the condition that *autonomous rights*³¹ should be granted to the population of the Islands." This incident has a very valuable lesson for us, and we invite the attention of both Mr Jinnah and Gandhiji to it.

²⁹ See his *Political Science and Government* p. 135

³⁰ *Ibid*

³¹ The italics are ours

THE NEGOTIATIONS AND AFTER . THE TWO NATIONS THEORY OF MR JINNAH*

I

In this article I propose to examine the two-nations theory as enunciated by Mr Jinnah during his negotiations with Gandhiji (and also afterwards), with special reference to the views of the latter thereon

II

In his letter, dated 15th September, 1944 Gandhiji wrote to Mr Jinnah, among other things

In the course of our discussions you have passionately pleaded that India contains two nations, i.e., Hindus and Muslims, and that the latter have their home lands in India as the former have theirs

‘The more our argument progresses, the more alarming your picture appears to me. It would be alluring if it were true. But my fear is growing that it is wholly unreal. I find no parallel in history for a body of converts and their descendants claiming to be a nation apart from the parent stock. If India was one nation before the advent of Islam, it must remain one in spite of the change of faith of a very large body of her children.’

Gandhiji is perfectly right in maintaining this view. “A body of converts and their descendants” cannot legitimately claim “to be a nation apart from the parent stock,” while living

* Originally published in *The Modern Review* of February and March, 1945

within the same geographic unity with the latter. A natural-born Britisher, for instance, who was a Christian before, does not cease to be a member of the British nation and lose his British nationality by mere conversion, say, to Islam, unless he also renounces his allegiance to the British State and transfers it to another State by the process of naturalisation. This principle also applies to his children¹, born in Great Britain. Thus we find in Hall,² a great authority on International Law, "the persons as to whose nationality no room for difference of opinion exists are in the main those who have been born within a state territory of parents belonging to the (state) community,³ and whose connexion with their state has not been severed through any act done by it or by themselves."

Gandhiji is also right when he says⁴ in effect that, if religion is accepted as 'a new test of nationhood' it will lead to the assertion of "many more claims" in India, and that we shall have to "face an insoluble problem." Then there will be as many nations—and, therefore, as many sovereign, independent States—in India as there are religious communities⁵ in the country. Logic, equity, and reason would require it. The question is one of principle and not of number. Thus an absurd situation will be created to the total disintegration of India. This will be the inevitable consequence of the accentuation of religion as the sole basis of nationhood in this country.

I cannot fully agree, however, with Gandhiji when he says⁶ that "the only real, though awful, test of our nationhood

¹ The case may be different with daughters marrying foreigners—See Hall, *A Treatise on International Law*, 8th Ed. p. 280.

² See his *Treatise on International Law* 8th Ed. pp. 275-76.

³ I.e., the people as a whole of the State in question.

⁴ See his letter to Mr. Jinnah, dated 15th September 1944.

⁵ Such as Hindu, Jam, Buddhist, Sikh, Zoroastrian (Parsi), Muslim, Christian, Jew, Tribal, etc.

⁶ See his letter to Mr. Jinnah dated 15th September 1944.

arises out of our common political subjection" This may be one of the contributory factors but there are other factors as well, such as common residence within a single geographic unity and consequential community of economic and political interests community of ethnic bonds requirements of political expediency and strategic necessity, etc. These are really fundamental, while the common political subjection is only "incidental" or "circumstantial" due to some accidents of history

III

By way of a reply to—or rather as a protest against—the views of Gandhi on the question of two nations theory, Mr Jinnah stated in his letter to the former dated 17th September, 1944

"We maintain and hold that Muslims and Hindus are two major nations by any definition or test of a nation. We are a nation of a hundred million, and what is more, we are a nation with our distinctive culture and civilization, language and literature, art and architecture names and nomenclature, sense of value and proportion legal laws (*sic*) and moral codes, customs and calendar history and traditions aptitudes and ambitions. In short we have our own distinctive outlook on life and of life. By all canons of international law we are a nation."

I feel almost tempted to quote here the words of Burke used in another connexion,⁷ and to say that "this sort of discourse does well enough with the lamp post for its second to men who *may* reason calmly, it is ridiculous." One of the

⁷ See Edmund Burke *Reflections on the Revolution in France*, Payne Oxford p. 61

difficulties with politicians is that they are generally very sweeping in their remarks and seldom care for the accuracy or the inaccuracy of their statements. They are so anxious to produce some effect upon the minds of others that they do not always think it necessary to be very cautious and scientific in their utterances. But mere *ipse dixit*s declared *ex cathedra* do not in themselves constitute any valid or convincing arguments. If Mr Jinnah had simply asserted that the Hindus and the Muslims of India differed in many respects in regard to their religion and their religious rites and ceremonies, there could be no difference of opinion with him, although it would not have, as we shall see later on, proved much so far as the future form of Government of this country was concerned. And I am quite prepared to believe that some of the things contained in his sweeping statement as quoted above may perhaps apply to Mr Jinnah personally, but he alone is not the Muslim community of India. It is however a total misreading of Indian history to say that the Muslims and the Hindus of India who have lived together for so many centuries have not been profoundly influenced by each other in their ideas, thoughts, culture, traditions, customs, beliefs, as well as in their ways of thinking, feeling, and acting. This is not psychologically possible, particularly when it is remembered that these two communities have not lived in absolutely water-tight compartments and therefore in complete isolation from each other, and that most of the Muslims of India to-day are descendants of converts from Hinduism and in some cases such converts themselves. I may also remind Mr Jinnah in this connexion of what he himself admitted on behalf of the Muslim League, on 18th August 1919, in the course of his evidence before the Parliamentary Joint Select Committee on the Government of India Bill, in reply to Question 3813 put

to him by Major Ormsby Gore.⁸ He said "In India the Mohammedans have *very few things really* which you can call matters of *special interest* for them—I mean secular things."⁹ If this was the position in 1919 how there could have arisen in 1944 so many fundamental differences between the Hindus and the Muslims of India in the secular sphere as were emphasized by Mr Jinnah in the extract from his letter quoted before? One is naturally tempted to ask him which of his views is really correct—his view in 1919 or his view in 1944? Further what has happened since 1919 that has made him change his view on historical matters so fundamentally? True the Congress High Command or some Congress Ministers committed as has been admitted by me before¹⁰ one or two errors of policy in the meanwhile. But that could not certainly have altered *the facts of history*. There should be some consistency at least in the views of our great leaders uttered from time to time.

Let me now go back to the extract from Mr Jinnah's letter which has been given before. There are to say the least a number of misleading assertions in it. Considerations of space however do not permit me to deal with all of them here in detail as their proper refutation would fill a large volume. I shall therefore confine myself to an analysis of some of his remarks and to showing how far they are correct.

In the first place, Mr Jinnah has appealed to the canons of international law in support of his view. I am afraid that

⁸ See *Minutes of Evidence taken before the Joint Select Committee on the Government of India B.U. 1919 Vol II p 22*, also Ambedkar *Thoughts on Pakistan* 1941 p 316.

Mr Jinnah appeared before the Joint Select Committee as the representative of the All India Muslim League.

⁹ The italics are mine.

¹⁰ See Article 3 before (originally published in *The Modern Review* of December 1944).

he has rather overshoot himself thereby. I have just now before me—the reader will kindly forgive me for being a little pedantic. I cannot help it—five standard works¹¹ on International Law and I find that they have very little to say in regard to matters—even in their general context—referred to by Mr Jinnah in his statement, and that even when they do say anything in regard to them they do it only incidentally. And this is natural. By its very definition International Law means “the rules acknowledged by the general body of civilised independent states to be binding upon them in their mutual relations”¹² ‘States are its units. States and states alone enjoy a *locus standi* in the law of nations: they are the only wearers of international personality’¹³ And primarily says Hall¹⁴ ‘international law governs the relations of such of the communities called independent states as voluntarily subject themselves to it’. Only to a limited extent “it may also govern the relations of certain communities of analogous character”¹⁵ such as for instance a neutralized State or a protectorate in some cases. Now the Muslims of India do not come under any of these categories: they only form a part of a subject people like the rest of the population of India. The question of the application of the canons of International Law to them cannot really arise. The things to which Mr Jinnah has referred in his sweeping statement really come within the scope of the municipal law of a country, and not of International Law. It may also be noted here that after the last Great War the Minority Treaties under the League of Nations *only provided* for international guarantees for the

¹¹ By Hall, Oppenheim, Lawrence, Smith and Stowell

¹² F. E. Smith *International Law* p. 1

¹³ *Ibid.* p. 1 and p. 28

¹⁴ *A Treatise on International Law* p. 17

¹⁵ *Ibid.* Part I Chap. I also Smith *International Law* Part I Chap. II

protection of certain essential rights of "racial, religious or linguistic minorities" in the newly created States of Central and Eastern Europe, in respect of their life, liberty, religion, language, etc.¹⁶ These Treaties definitely discouraged 'separatism'. Their object was to counteract it by making the life of the minority tolerable.¹⁷ An authority¹⁸ on the subject quotes in this connexion a Report on the Aaland Islands¹⁹ to say 'To concede to minorities either of language or religion or to any fractions of a population the right of withdrawing from the community²⁰ to which they belong because it is their wish or their good pleasure, would be to destroy order and stability within States and to inaugurate anarchy in international life, it would be to uphold a theory incompatible with the very idea of the State as a territorial and political unity'. It may also be noted here that the Polish Minorities Treaty which formed the model for all the rest of the Minorities Treaties, and which otherwise provided for the protection of the essential rights of minorities in Poland did not recognise a separate Jewish nationality" in Poland although the Jews constituted 14 per cent of its total population.²¹ The recognition of a separate Jewish nationality (in Poland), writes Mair,²² 'which was suggested at the Peace Conference, was out of the question'.

Secondly, according to Mr Jinnah there are pure exclusive and unalloyed Muslim art and architecture in India

¹⁶ For details see Mair *The Protection of Minorities* particularly Chapters IV and Appendix.

¹⁷ See *ibid.*, p. 40.

¹⁸ L. P. Mair (*The Protection of Minorities* pp. 40-41).

¹⁹ For the Aaland Islands question see the concluding part of the preceding Article in this Volume.

²⁰ The term means in the context in which it has been used, the entire body of the population of a State.

²¹ See Mair *The Protection of Minorities* Chap. IV.

²² See *ibid.*, p. 43.

which have not been influenced by any non Muslim indigenous ideas of art and architecture in this country If Mr Jinnah cares to consult some standard works²³ on Indian architecture he will be disillusioned to find how much of what he considers to be purely Muslim or Saracenic art and architecture have been influenced and shaped by the Buddhist Hindu ideas and ideals of art and architecture Referring to the marks of their dominating creative genius which Hindu master builders have left on the great monuments of the Indo Muhammadan styles ¹ Havell—and he is not a Hindu writer—has gone so far as to say²⁵—

It is Indian art not Arab Persian or European that we must study to find whence came the inspiration of the Taj Mahall and great monuments of Bayapur They are more Indian than St Paul's Cathedral and Westminster Abbey are English The Arabs Tartars Mongols and Persians who came into India had much to learn from Hindu civilisation and it was from what they learnt and not from what they taught that Muhammadan art in India became great The Taj Mahall belongs to India not to Islam The Hindu builders of Akbar Jahangir and Shah Jahan had taken the Persian court tradition and revitalised it by joining it with their own In architecture it (the Taj) is unique but neither Arabs Persians nor Moguls can claim it as their own for it is Indian in body and in soul

²³ Say for instance E B Havell's (i) *Indian Architecture Its Psychology Structure and History from the first Muhammadan Invasion to the Present Day* 2nd Edition and (ii) *The Ancient and Medieval Architecture of India A Study of Indo-Aryan Civilisation*

²⁴ See Havell *Indian Architecture* etc p 18

²⁵ See *ibid* pp 14-33

Again,²⁶ —

"The armies of Islam brought few masons and other craftsmen with them, so the Delhi Sultans and their satraps in Bengal did as Mahmud (of Ghazni) had done—they impressed the Hindu builders and craftsmen into their service. The Muhammadans were thoroughly practical in their methods, and, though they hated the idolater, had no scruples against using the splendid materials provided by Hindu temples, and doubtless found a grim satisfaction in compelling thousands of Hindu craftsmen to wreck their own holy shrines and to rebuild them according to the ritual of Islam."

Further,²⁷ —

"Indian literature and science had been eagerly studied by the scholars of Baghdad for centuries before the Muhammadan conquest of Hindustan. The skill of Indian master builders made Mahmud of Ghazni's capital one of the finest cities of the East. The "Indo Saracenic" style of Indian architecture was purely a creation of Fergusson. The Muhammadan invasions made no decisive break in the building traditions of India, except that they brought about a reversion to the ideals of Hinayana Buddhism. The Indian master-builder continued to build for his Muhammadan rulers according to the Indo Aryan traditions, just as he had done for Buddhist, Jain, and Hindu. The Indian mosque was the Hindu

²⁶ *Ibid.*, p. 43

²⁷ See Havell, *The Ancient and Medieval Architecture of India. A Study of Indo-Aryan Civilisation*, 1915, Chap. XVI

temple adapted to Muhammadan ritual²⁸ Muhammadan art in India from its very beginning was, and continued to be, wholly Indian in spirit and in craftsmanship. All the symbolism of its ornament was Indo Aryan, except that texts from the Quran are used in places where the Hindu sculptor would have put symbolic figures or animals."

This, it is hoped, is quite sufficient to prove to what extent the so-called Muslim or Saracenic art and architecture have been influenced and shaped by the indigenous Indian (Buddhist-Hindu) ideas, traditions, and ideals of art and architecture. And, religion or religious rites or ceremonies apart, what is true of this so called Muslim art and architecture in India is also very largely true of that compendious thing, namely, the Muslim civilization in India. And religion or religious rites and ceremonies, however, do not really constitute the whole of a man's life in society, it is only concerned with the question of his relationship with his creator. Man is much more than a religious being, and he cannot altogether escape from the influences of his environment.

Thirdly, Mr. Jinnah has referred to the question of "language and literature." Regard being had to the context in which the reference has been made, his implication is that the Muslims of India have a distinctive language and literature of their own. Even a schoolboy in India knows that this is not a fact. Often the Muslims living in a particular area in

²⁸ And I also find in Ananda K. Coomaraswamy (*History of Indian and Indonesian Art* 1927 p. 111), another great authority on Indian art and architecture.

"The old Hindu and Jaina temples of Gujarat have been almost entirely destroyed by the Muhammadans who nevertheless in their turn employed the Indian architects to construct the beautiful mosques of Ahmadabad which are in a purely Hindu style, only adapted to the requirements of Muslim worshippers."

India speak the same language and have the same literature as the Hindus of that area. Of all the provinces of British India, or for the matter of that of all the major administrative areas of India, Bengal has the largest number of Muslims, it being according to the last census about 33 million. And everybody knows that with the exception of a very few isolated families here and there in some urban areas, the mother tongue of these Muslims, as of the Bengali Hindus, is Bengali, and that their language and literature are also Bengali. And this is not the case for instance with the Muslims of Bihar, the United Provinces, the Punjab, the North West Frontier Province, Sind, Beluchistan, Bombay or Madras.⁷⁹ Similarly, the language and literature of the South Indian Muslims are not the language and literature of the Muslims of Northern India. And it is no refutation of our position to say that the Muslim religious books are in the Arabic language. Very few among the Muslim masses, not only in Bengal but also elsewhere in India—and not even a large number among the educated Musalmans of India—know Arabic in the sense that they can easily read, write and speak Arabic.

⁷⁹ This reminds me of a funny incident which occurred here only the other day. I was returning home one afternoon with three Muslim colleagues of mine. Two of these Muslim colleagues had come from the United Provinces, and one from the Punjab. Happening to meet his *Chapras* on the way, one of my Muslim colleagues from the United Provinces wanted to say something to him. Now this chapras was a Bengali Musalman, belonging to the district of Dacca. We found to our amusement that our colleague was trying his best to explain to his chapras what he wanted to say to him, but that the latter could not follow him at all. Then he turned round to me and requested me to explain to his chapras in Bengali what he had been trying to say to him in Urdu. On hearing from him in English what he had been trying to say to the chapras, I explained to the latter what the former wanted to say to him. After thus having played the role of an interpreter, I remarked by way of a joke, "I think that this is one of the best refutations of Mr Jinnah's contention that the Muslims of India have the same language." And they all laughed. This little incident does really refute Mr Jinnah's contention very successfully, since it is a typical illustration

More or less this is also the case with the Hindus so far as Sanskrit is concerned. And this is natural as neither Arabic nor Sanskrit is if at all the mother tongue of any considerable section of the indigenous population of India to day. And it is the mother tongue that really matters it being the medium through which the people maintain intercourse with one another and through which they can express their culture and ideals in a common literature.

Fourthly Mr Jinnah has referred in his statement to the question of Muslim culture in India as something distinct from the culture of the Hindus and of the rest of the non Muslim population of India. The term culture is very comprehensive in its connotation. It has been defined by a distinguished sociologist³⁰ as the total of acquired behaviour patterns transmitted by imitation or instruction. Now apart from what we have said in connexion with the question of the so called Muslim art and architecture in India in so far as the culture of any people is itself a product of and influenced by its language literature and environment the Hindus and the Muslims of Bengal for example have much more affinity between them in the cultural sphere than the Muslims of Bengal and the Muslims of Travancore of Malabar of Bombay of Sind of the Punjab or of the North West Frontier Province have. The reason is obvious. The language literature and the environment of the Hindus and of the Muslims of Bengal to day are the same.

Moreover culture in its true sense has a higher and nobler aspect. It has an all inclusive and universal character. As Matthew Arnold has beautifully shown in his well known work *Culture and Anarchy*. Culture which is the study of

³⁰ See Ross *Principles of Sociology* 3rd Edition p 103

perfection leads us to conceive of true human perfection as a *harmonious* perfection developing all sides of our humanity, and as a *general* perfection developing all parts of our society. For if one member suffer the other members must suffer with it, and the fewer there are that follow the true way of salvation the harder that way is to find"³¹ He has also rightly pointed out that culture is opposed to blind partisanship and "fanaticism" to "fierceness" and to "addiction to an abstract system" and that it "hates hatred" It enjoins "disinterestedness," carries us "towards sweetness and light" and makes "reason and the will of God prevail" in human affairs It does not make a "fetish of separatism or isolationism but fosters 'flexibility,' tolerance and increased sympathy and fellow feeling between man and man so that all may live in an atmosphere of sweetness and light" Culture is particularly opposed to what he has called *Hebraism*, i.e. the tendency in us "to sacrifice all other sides of our being to the religious side" 'This tendency' he says,³² "has its cause in the divine beauty and grandeur of religion and bears affecting testimony to them, but it has dangers for us" in that it "leads to a narrow and twisted growth of our religious side itself and to a failure in perfection" The religious side in the zealot tends to predominance over his "other spiritual sides" and as a result, "just what is not essential in religion he comes to mistake for essential a thousand times the more readily because he has chosen it of himself, and religious activity he fancies to consist in battling for it All this leaves him little leisure or inclination for culture"

I presume that what Mr Jinnah has meant by Islamic culture in India is not—at least, should not be—incompatible

³¹ See Matthew Arnold *Culture and Anarchy* 1869 p. xvj

³² *Ibid.*, pp. xxii, xxiv

with the noble conception of culture which Matthew Arnold has given to us particularly when Islam professedly stands for peace and goodwill amongst men

Fifthly Mr Jinnah has referred to the history and traditions of the Muslims of India. The only comment I should like to make here is—although it may not be palatable to many—that as by far the largest proportion of the Muslims of India to day are historically speaking the descendants of converts—willing or forced—from Hinduism and other religions existing in this country before the Muslim invasion and not the descendants of the Muslim invaders of India their past history and traditions whatever they might be are the same as those of the Hindus and the followers of other pre existing indigenous religions. If there is anything of glory or pride in that history it is as much theirs as of the Hindus etc to day. And if there is anything disgraceful in that history the disgrace also is as much theirs as of those Hindus etc. It is no use disowning one's ancestry. History does not permit this.

Sixthly in connexion with the question of the names and nomenclature of the Muslims of India referred to by Mr Jinnah it may for example be pointed out that the names and nomenclature of the Hindus of Bengal the Hindus of Northern or Central India and of the Hindus of South India do in many respects differ. That does not mean that these different groups of Hindus constitute different nations in India and are therefore entitled to have separate independent sovereign States of their own. Again the names and nomenclature of the Muslims of India are in many respects identical with those of the Muslims of Arabia or of many other Islamic countries outside of India. That does not imply that all these Muslims constitute one nation and are therefore entitled to form a separate sovereign State for themselves. Further the

names and nomenclature of Anglo-Indians in India, and even of many Indian Christians, are the same, in many cases, as those of Britishers in Great Britain. No one will, therefore, contend that these Anglo-Indians, Indian Christians, and Britishers constitute one nation, and must, therefore, have a separate, independent State for themselves. Lastly, the names and nomenclature of many Britishers in Great Britain—and even their language, literature, and religion—are the same as those of many Americans in the USA. No one will, therefore, maintain that these Britishers and Americans constitute one nation and therefore must have a separate sovereign independent State of their own.

On the other hand the names and nomenclature and also the religions, of the Germans, the French and the Italians in Switzerland differ. Yet that has not prevented them from becoming a single nation, namely, the Swiss Nation. The names and nomenclature—and also the religions, languages and customs—of the French and the English in Canada differ. Still they constitute a single nation, namely, the Canadian Nation. The names and nomenclature of the members of the various nationalities in the U S A differ. Yet that has not prevented these various nationalities from being welded into a single nation, namely, the American Nation. The question of names and nomenclature, therefore, does not establish anything.³³

Seventhly, Mr Jinnah has stated that the Muslims of India have distinctive legal (*sic*) laws, customs, and moral codes of their own. Perhaps the expression 'legal laws' is a misprint for 'personal laws', otherwise it becomes an uncouth tautology. My comment is that the personal laws,³⁴ customs,

³³ It may be noted here that "the use of combined Muslim and Hindu names is not unusual so more than one part of Bengal. See the Census of India, 1931 Volume V, Bengal and Sikkim, Part I Report, p 390

³⁴ Take for instance, the question of the law of inheritance

and even moral codes of the Hindus of Bengal differ in many respects, for instance, from those of the Hindus of South India. This does not mean that the Hindus of Bengal and the Hindus of South India are separate nations. Secondly, the personal laws of the Sunni Muslims of Northern India are essentially the same as the personal laws of the Sunni Muslims of Arabia and of Egypt. No one will, therefore, contend that all these Muslims constitute one nation and must, therefore, have one independent, sovereign State of their own. On the other hand, it is often a fact that the customs and moral ideas of the Hindus and the Muslims living in the same area, are, as a result of their long, intimate association and cultural affinities, more or less identical, whereas the Sunnis and the Shias differ in many respects in regard to their customs and personal laws. And I also find that, even after the enactment of what is known as the Shariat Act of 1937, Khojas and Cutchi Memons in the Bombay Presidency are, in the absence of any proof of special usage to the contrary, *still* governed, in matters of succession and inheritance at least to some extent, not by the Mahomedan, but by the Hindu law³⁵. Further, according to the Census of India,³⁶ 1931, there are groups of people in India who have drawn on both Hindu and Muslim sources for their religious tenets, 'or' who worship the Christian Trinity plus a Hindu Muslim Trinity consisting of Allah the Creator, Parameshawar the Preserver, and Khuda the Destroyer or who share in equal degree the Muslim and Hindu religious beliefs, worshipping Ganesh as well as Allah, using Hindu names and dress and observing Hindu festivals," or, again, who take Muslim names and even utilise the services

³⁵ The position was far different before the enactment of the Shariat Act of 1937. See Mulla, *Principles of Mahomedan Law* 11th Edition, pp. 17-18.

³⁶ Vol. I India, Part I Report, 1933 pp. 380-81.

of mullahs" in one area, but "who follow Hindu customs and use Hindu names" in another area "There is thus a very real difficulty sometimes in deciding whether a particular body is Muslim or Hindu"³⁷ The question of personal laws, etc., does not, therefore establish anything

Eighthly, the Hindus and the Muslims living in the same area often follow the same calendar, whereas the Hindus themselves in different parts of India do not follow the same calendar And the same thing can be said also of the Muslims in different parts of India Therefore, Mr Jinnah's reference to the question of calendar in his statement does not also prove or establish anything

Ninthly, in regard to the question of "aptitudes and ambitions" alluded to by Mr Jinnah it may be pointed out that these are purely personal matters, depending upon the mental and the physical constitution of individuals They vary from person to person and also sometimes, from one

³⁷ I also find in the Census of Bengal and Sikkim 1931

In many parts of the country the Muslim peasant joins to some extent in Hindu worship In Jessore it is reported that the Muslims revere the *tulsi* plant and *bel* tree and observe the festivals of *Jamai Sashthi* and *Bhratridwitiya* In Bogra in some areas the Muslims observe the Hindu period of ceremonial uncleanness (*asauch*) on the death of parents and at its conclusion shave the head and beard the women wear the vermilion mark of Hindu wives and the worship of Durga is frequent It is even reported that there the *natanna* ceremony is universal whilst at Mahasthan Muslims as well as Hindus mark their iron safes with vermilion on the Dasara day and perform the *Satyapur puja* with offerings of *sinna* In Pabna, Manasa or Bisahari is often worshipped by them (Muslims) and they contribute towards the Kali *puja* particularly in time of epidemics whilst the worship of Sitala the goddess of small pox is almost universal and professing specialists of the disease calling themselves *kartraj*, though Muslim will admit to taking fees for the express purpose of propitiating the goddess Practices such as the use of *tantric* (*gyur halud*) at the marriage ceremony have also been borrowed from the Hindus See the Census of India 1931 Vol 5, Bengal and Sikkim, Part I Report p 390, also see p 382 thereof

area to another. Much depends upon physical environment. There is nothing Hindu or Muslim in them.

Finally, with regard to the question of "outlook on life and of life" mentioned by Mr Jinnah, it may, I believe, be enough to point out here that, although they differ in respect of their religion and some religious rites and ceremonies, yet the "outlook on life and of life" of, say, the Muslim peasantry and the Hindu peasantry in Bengal, or, for instance, of the Muslim labourers and Hindu labourers in an industry—and these peasantries and labourers, and not the parasitical classes who exploit them and their name, constitute the real backbone of the Indian people—is more or less identical because their interests and problems also are identical. And their "outlook on life and of life" is materially different from that of men who belong to the status and social position to which Mr Jinnah himself belongs. As I have already stated, man is not merely a religious being. He has other interests, too, which no less vitally affect him than religion. Often these non-religious interests have a greater urgency and insistence than even religion itself. Any other view is sheer propaganda, and nothing else. It may be argued against this view why then Hindu Muslim riots occur from time to time. As I have shown before³⁸ in another connexion, these riots are partly due to misrepresentations and misunderstandings, partly due to the machinations of designing men or communal fanatics on either side, and, often, largely due to the fact that law is not enforced, at their initial stages, with the utmost vigour and with the strictest impartiality. Sometimes local officials allow themselves to be guided by mean "political" considerations, and a wicked spirit of vendetta against one community or another. And Mr Jinnah himself admitted, before the Parliamentary

³⁸ See *The Modern Review* of June 1943 p. 460, also Appendix II

Joint Select Committee, on 13th August, 1919, in reply to Question 3854 put to him by Mr Bennet, a member of the Committee ³⁹

"If you ask me very often these riots are based on some misunderstanding, and it is because the police have taken one side or the other and that has enraged one side or the other I know very well that in the Indian states you hardly ever hear of any Hindoo-Mohammedan riots etc"

IV

I have analysed above the grounds on which Mr Jinnah has based his two nations theory These grounds cannot, as I have shown, stand the scrutiny of reason And I have also shown that Mr Jinnah held a different view in 1919 I do not deny that there are some differences between the Hindus and the Muslims of India But we should not unduly emphasize and exaggerate those differences when Providence has brought us together and when we have *nolens volens* got to live together That way does not lie the solution of the Indian problem There are many differences, particularly in the religious sphere, between the English and the French in Canada, between the Germans the French and the Italians in Switzerland, between the Protestants and the Roman Catholics in Germany, and among the diverse nationalities in the United States of America Yet in each one of these cases a nation has emerged, thanks to the growth of the modern spirit of religious toleration I do not see any reason why it should be otherwise in India As Dr Hutton, Census Commissioner

³⁹ See the *Minutes of Evidence before the Joint Select Committee on the Government of India Bill*, Vol. II 1919 p 227 also *Ambedkar Thoughts on Pakistan*, 1941, p 317

for India 1931-33 has rightly observed after a very careful survey of the position of different religious communities in this country 'Generally speaking there would seem to be no insuperable reason why the Muslim and the Hindu should not dwell together in harmony'⁴⁰ It is therefore very painful to see some responsible leaders of public opinion in India advancing with zeal and warmth the specious argument of 'homelands' If that argument is seriously put forward then it may be legitimately asked who have lived longer in those areas which are proposed to be included in the State of Pakistan—the Hindus and the other indigenous non-Muslims or the Muslims? The former had lived in those areas long long before Mohammedanism itself was founded not to speak of the Muslims of India and they have been living there ever since Have they not therefore a greater right to claim those areas as their homelands? The question is one of principle and not of numerical strength Some people however appear to lay stress on the question of number But they forget that the number is a variable factor variation being due apart from the questions of emigration and immigration to the presence or absence of such causes in a community as the practices of polygyny of widow remarriage and on the whole of later consummation of marriage⁴¹ etc For instance for every 10000 of the total population of Bengal in 1881 the number of Hindus was 4882—the number might have been larger earlier—and that of the Muslims 4969 Thus the number of Hindus was practically equal to that of the Muslims But largely owing to the causes mentioned above the number of Hindus steadily declined from decade to decade and that of the Muslims gradually increased As a result the correspond

⁴⁰ See the *Census of India 1931 Vol I India, Part I Report*, p 331

⁴¹ See the *Census of India 1931 Vol I India, Part I Report* p 390

ing numbers for Hindus and Muslims were 4348 and 5444 in 1931⁴² Even then the number of adults (aged 20 and over) in 1931 was 52 per cent in the case of Muslims and 46 per cent in the case of Hindus although the general percentages (all ages being considered) in that year were 55 in the case of Muslims and 43 in that of Hindus⁴³ And in a democracy the percentage of adults in a community is an important factor

The only view therefore which can stand the scrutiny of logic reason and justice is that no part of India is the homeland of any particular community India being the common motherland of all the communities that live within its boundary to-day every part of it is the common homeland of all those communities A contrary view is sure to lead to inter-communal bitterness and ultimately to a civil war in this country A parrot like repetition of an irrational view or slogan *ad nauseam* will not help anybody's cause notwithstanding the philosophy of propaganda taught by Hitler and Goebbels No one can befooled all the people all the time

It may also be pointed out here to the Muslim separationists that insistence on the view that the Muslims of India constitute a separate nation distinct from the rest of the population of India will ultimately act as a boomerang to themselves Either the Muslims of India form a part of the population of India—and therefore form a part of the Indian people—or they do not If they insist that they do not so form a part while living within the geographic boundary of India then the rest of the people of India cannot be blamed if they begin to look upon the Muslims as foreigners and aliens in India—at best *domesticated aliens* to use a term of Inter

⁴² See the *Census of India, 1931* Vol V Part I, Report, p 410

⁴³ See the *Census of India, 1931* Vol I Part I Report, p 390

national Law. And such a view on their part is sure to have far reaching economic and political consequences. The question is not one of sentiment but of logic and reason. These non Muslim Indians have been fighting and suffering during the last sixty years for the ending of one alien rule namely the rule of the British people over them. The Muslim separatists would be in a dreamland if they thought now that these non Muslims would ever agree or submit having regard to the record of Muslim rule in the past in relation to their culture religion temples deities art and architecture etc to the imposition over them of another *alien* rule namely the rule of the Muslims in the proposed State of Pakistan. It would be too much to expect it.

We have already in India many absurdities. We should not multiply them and make ourselves a laughing stock of the whole civilized world by creating a Hindu national State of India a Muslim national State of India a Sikh national State of India etc.

In conclusion I should like to say—although it may not be very pleasing to many—that not to speak of two or more nations in India to day there is as yet no nation in India to day. The Indian nation is still in the making and Indian nationalism is passing through a period of travail. A community or group of people is not recognized by *modern* Political Science as a nation unless it has become politically organized and unless it is free from foreign control. It is in this sense that the British the Americans (U S A) the Swiss and the Canadians for instance are each a nation. And a nation may comprize if it is so lucky only one nationality⁴⁴ or as is usually the case more than one nationality. Unfortunately in the past the

⁴⁴ In the concrete sense. In the abstract sense the term nationality is used to indicate citizenship.

two terms 'nation' and 'nationality' have often been used by many writers as synonyms, the reason being that they were both derived from the same root. This has naturally led to a confusion of thought and reasoning. But the term nation has since acquired, as I have indicated above, 'both a scientific and a popular signification which is very different' from its etymological meaning. Professor J. Holland Rose,⁴⁵ for instance, has used the term nation to mean 'a people which has attained to State organization,' and the term nationality (in the concrete sense) to mean 'a people which has not yet attained to it.' No scientific writer to day will apply the term nation to the different constituent elements, say, of the Swiss or of the American nation. The only term that can properly be applied to these elements is nationality,⁴⁶ which is used now a days to mean an ethnic, or a linguistic, or a religious, group of people who may 'cherish common historical traditions, and who constitute or think they constitute a distinct cultural society. No political signification is now attached to this term nationality. At best, although it is very doubtful, the different religious communities in India may be regarded as constituting different nationalities in this country in the same way as there are, for example, different nationalities in Great Britain, Switzerland, Canada, South Africa, and in the United States of America. Given mutual goodwill, charity, toleration, and forbearance, and with a deepening sense of the essential unity of Indian life and economy, I see no valid reason why these different religious communities in India cannot be welded into a free, powerful Indian Nation. If, in spite of the memories of Bannockburn, Flodden Field, and Culloden Moor, Scotsmen and Englishmen

⁴⁵ *Nationality in Modern History*, pp. viii ix.

⁴⁶ In the concrete sense.

could form together with Welshmen, a strong, united British nation, then why should not, notwithstanding what might have happened in the past, the great religious communities of India be able to form a strong free, united Indian Nation? This ideal can certainly be realized only through the mechanism of a properly devised All India Federation. Any division of India will inevitably lead to a civil war and chaos, and, ultimately, to the perpetuity of foreign rule in this country. We must, therefore, all banish from our minds counsels of unreason and ideas of power politics in the larger interests of our common Motherland.

THE NEGOTIATIONS AND AFTER . BRITAIN'S RESPONSIBILITY AND DUTY¹

I

In my three preceding articles (in this series), I have examined the position taken by Mr Jinnah and Gandhiji during their negotiations with each other and afterwards with special reference to the question of the two nations theory as enunciated by the former. In this article I propose to consider Britain's responsibility and duty in relation to the Indian problem. It will appear from what follows why I have given priority to Britain's responsibility in the matter over her duty in relation to it.

II

COMMUNAL ELECTORATES

Towards the end of October last, the London "Economist" was reported² to have observed, among other things, in connexion with the break-down of the Gandhi-Jinnah negotiations

"No doubt should be left where the British Government stands. The complaint is often made against the British policy that it has deliberately fostered Moslem separatism as an obstacle to Dominion Status. The charge is untrue, or at least unproven."

And at a meeting of the East India Association, held at the Caxton Hall, Westminster, on October 26th, 1943, Mr L S Amery, Secretary of State for India, stated in the

¹ Originally published in *The Modern Review* of April and May 1945

² See Reuters Report, dated at London, 27th October, 1944, in *Hindustan Standard* of 30th October 1944 (Dak Edition)

course of his remarks on a paper³ read there by Professor R Coupland

"This country through its Government and Parliament had come to the conclusion that it was no longer for us to prescribe India's future Constitution, but to treat India as the Dominions were treated in the past and leave her to decide for herself that most important part of her destiny—namely, the Constitution under which that destiny was to be carried forward in future years '

Previously to this, Mr Amery had expressed more or less similar views on a number of occasions. For instance, he stated⁴ in the House of Commons on 28th April, 1942

"What, indeed, is needed, perhaps even more than new constitutional methods, is a new spirit of compromise. It is by making Indian statesmen conscious that the solution of the (Indian) problem is *their own undivided responsibility and not ours*⁵ that both the right methods and the right spirit are most likely to emerge."

Also,⁶ in the House of Commons on 1st August, 1941

"It seems to me there is to day a call on Indian statesmen for a new and different effort, for a new technique of consultation and conciliation with each other rather than that of addressing demands to this House or belabouring the Government of India. Having deliberately, and I venture to say rightly and even necessarily, remitted to Indian hands the framing of

³ The paper was entitled *Possibilities of an Indian Settlement*. See *The Asiatic Review* of January 1944

⁴ See Amery *India and Freedom*, Oxford p 104

⁵ The italics are mine

⁶ *Ibid.*, pp 93-94

India's future Constitution, His Majesty's Government wished, etc "

Again,⁷ in the House of Commons on 22nd April, 1941

"It is upon Indian statesmen, in the main, and not upon us, that the time table of future constitutional progress depends the time table of India's constitutional advance depends far more upon Indian agreement than upon ourselves"

Or again,⁸ in the House of Commons on 14th August, 1940 in connexion with the Declaration of 8th August, 1940

"Subject to these matters (*i.e.*, the obligations of His Majesty's Government referred to in the Declaration), the desire of His Majesty's Government is that the new Constitution of India should be devised by Indians for themselves Agreement, consent, is, indeed, the foundation of all free government, of all true democracy The responsibility for securing a speedy as well as a satisfactory result (in the matter of finally settling the new Indian Constitution) rests upon Indians themselves"

It may also be mentioned here that in his speech in the House of Commons on 28th July 1944 Mr Amery again laid stress on the necessity of an "agreed future Constitution" for India, and that, in the course of a letter⁹ to Gandhiji, dated at New Delhi, 15th August 1944 Lord Wavell, Viceroy and Governor General of India, too, laid emphasis on an "agreement in principle between Hindus and Muslims and all important elements" in India "This agreement" Lord Wavell

⁷ *Ibid.*, pp 83-87

⁸ *Ibid.*, pp 73-75

⁹ In reply to Gandhiji's letter to the Viceroy dated at Panchgani 27th July, 1944

added "is a matter for the Indians themselves. Until Indian leaders have come closer together than they are now I doubt if I myself can do anything to help. Let me remind you too that minority problems are not easy. They are real and can be solved only by mutual compromise and tolerance."

What I have shown above typifies the attitude of the British Government as well as of the British public in general towards the Indian problem. In a mood of self complacency they declare that they have done their duty to India and that it is now India's turn to solve its own political and communal problem. Apparently this attitude is quite unexceptionable and those who do not know the real facts of the case may rightly think that the Indians alone are responsible for the present situation in this country and that it is therefore their duty to find a way out of it. But to those who know the facts this attitude appears to be both funny and strange if not lacking in political sincerity and honesty. It deliberately creates a highly complicated problem for *B C D* etc. and then wants to retire from the scene of action in an unctuous mood that it has done its duty, leaving it to the latter to find a solution for the problem or to fight it out. What I really mean to say is that, although the Indian people have their own share of responsibility in the creation of the problem that has arisen in this country, the present situation in India *primarily* owes its origin to the policy which Britain has pursued in regard to it even during this century, not to go further back.¹⁰ And this policy—very *natural* to an existing ruling authority particularly when it is alien to the country

¹⁰ Those who want to study in detail the problem and history of communal representation in India should read K. B. Krishna, *The Problem of Minorities or Communal Representation in India* (George Allen & Unwin) and Asoka Mehta & Achyut Patwardhan *The Communal Triangle in India* (Kitabistan Allahabad).

over which it rules—has often been a policy of deliberate exaggeration and exploitation of the differences between the two major communities of India namely, the Hindus and the Muslims, and now also those between the so called Caste Hindus and that section of the Hindu community which is unfortunately labelled often with a sinister motive, as the Depressed Classes or the Scheduled Castes. Perhaps one or two examples may be usefully cited here to establish my point.

In the first place I may refer to the present vicious system of separate representation through communal electorates—the evil system which, as I have stated in another connexion,¹¹ has, ever since its introduction into this country acted as a cancer in the body politic of India. It has intensified our differences driven communities farther apart from one another by “stimulating communal interests” and has now led to that suicidal agitation—its inevitable culmination—by a section of our countrymen for the partition of our Motherland on the basis of a so called two nations theory. What do we find to have been the origin¹² of this fatal institution? I first find in a letter¹³ from Mr (afterwards Lord) Morley, Secretary of State for India, to Lord Minto, Viceroy and Governor-General of India dated 6th June, 1906

“Everybody warns us that a new spirit is growing and spreading over India, Lawrence, Chitrol, Sidney Low, all sing the same song. ‘You cannot go on governing in the same spirit, you have got to deal with the Congress party and Congress principles whatever you

¹¹ In my article entitled *Should our Legislatures be constituted on the Functional Basis?* in *The Indian Journal of Political Science* Conference Number 1943

¹² Also see Mehta and Patwardhan, *The Communal Triangle in India* Chap IV, and Gurmukh N Singh *Landmarks in Indian Constitutional and National Development*, Chap XX.

¹³ See Morley *Recollections*, Vol II, pp 173-74

may think of them, be sure that before long the Mahometans will throw in their lot with Congressmen against you,"¹⁴ and so forth and so forth "

And I next find in the *Indian Journal* (October 1st, 1906, Simla) of Mary, Countess of Minto ¹⁵

'We are aware of the feeling of unrest that exists throughout India, and the dissatisfaction that prevails amongst people of all classes and creeds *The younger generation (of Mahommedans) were wavering, inclined to throw in their lot with the advanced agitators of the Congress,*¹⁶ and a howl went up that the loyal Mahommedans were not to be supported, and that the agitators were to obtain their demands through agitation The Mahommedans decided,¹⁷ before taking action that they would bring an Address before the Viceroy, mentioning their grievances "

Accordingly, about seventy Muslim delegates arrived at Simla from the different parts of India, and on the morning of the 1st of October, 1906, His Highness the Aga Khan read the Address in the Ball room of the Viceregal Lodge, stating the "grievances and aspirations" of the Muslim community¹⁸ "Minto then read his answer, which he had thought out most carefully" "It was impossible," writes Mary Minto, "to promise them (*i.e.*, the Muslims) too much for fear of offending other communities, but as he spoke, in very clear distinct tones, murmurs of satisfaction passed through the audience"¹⁹

¹⁴ The italics are mine

¹⁵ See her *India, Minto and Morley*, 1905-1910 MacMillan pp 43-48

¹⁶ The italics are mine

¹⁷ See in this connexion a very interesting revelation in Mehta and Patwardhan *op cit* pp 61-63

¹⁸ See Mary Minto *India Minto and Morley* pp 45-46

¹⁹ See *ibid.*, pp 45-46 The italics are mine

Among other things, Lord Minto said to the Muslim Deputation ²⁰

"I am grateful to you for the opportunity you are affording me of expressing my appreciation of the *just aims of the followers of Islam* and their determination to share in the political history of our Empire

"You go on to tell me that sincere as your belief is in the justice and fair dealing of your rulers, and unwilling as you are to embarrass them at the present moment, you cannot but be aware that '*recent events*' have *stirred up feelings amongst the younger generation of Mahommedans which might 'pass beyond the control of temperate counsel and sober guidance'*

"Your address, as I understand it, is a claim that, in any system of representation in which it is proposed to introduce or increase an electoral organization, the Mahommedan community should be represented as a community and you *justly claim* that your position should be estimated not merely on your numerical strength but in respect to the political importance of your community and the service it has rendered to the Empire

"*I am entirely in accord with you* Please do not misunderstand me I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement,

regardless of the beliefs and traditions of the communities composing the population of this continent

"The Mahomedan community may rest assured that their political rights and interests as a community will be safeguarded by any administrative reorganization *with which I am concerned*"²¹

Thus in 1906 Lord Minto sowed the seed of separate representation through communal electorates. Duly watered and nurtured by interested parties, the seed has since grown into a very big tree with far-spreading branches, profusely producing the poisonous fruits which could be easily anticipated, and which are now so well-known to us all. And what was really behind the assurance given to the Muslim community by Lord Minto? Thanks to Mary, Countess of Minto, we know it now. "This evening,"²² she writes,²³ "I have received the following letter from an official

'I must send Your Excellency a line to say that a *very, very big thing* has happened to-day. A work of statesmanship that will affect India and Indian history for many a long year. It is nothing less than the *pulling back* of sixty two millions of people²⁴ from joining the ranks of the seditious opposition.'²⁵

The letter was really prophetic. It is, however, evident from it that it was not so much the love for the Muslim community of India, as the consideration of Imperial interests that actuated Lord Minto to make the Declaration he did on

²¹ The italics in this quotation are mine

²² *I.e.*, the evening of 1st October 1906 the day on which Lord Minto made the Declaration before the Muslim Deputation.

²³ See her *India, Minto and Morley*, pp. 47-48

²⁴ *I.e.*, the Muslims of India. Their number at that time was presumably sixty-two millions—See *ibid.*, p. 43

²⁵ The italics in this paragraph are mine

1st October, 1906 Even Mr Morley first took more or less the same view about the Declaration as had been taken by the official referred to by the Countess of Minto On receiving an account of the proceedings of the 1st of October, 1906, he wrote²⁶ to Lord Minto on 26th October, 1906

'All that you tell me of your Mahommedans is full of interest, and I only regret that I could not have moved about unseen at your garden party² The whole thing has been as good as it could be, and it stamps your position and personal authority decisively Among other good effects of your deliverance³ is this, that it has completely deranged the plans and tactics of the critical faction here, that is to say it has prevented them from any longer representing the Indian Government as the ordinary case of a bureaucracy versus the people I hope that even my stoutest Radical friends will now see that the problem is not quite so simple as this '

It may, however, be stated here to the credit of Lord Morley that he was originally not in favour of the principle of communal representation of Mahommedans through any *special* or *separate* electorates And he actually suggested to the Government of India a plan of joint electorates with proportional reservation of seats, operating through the machinery of Electoral Colleges²⁹ But pressure from Simla and Calcutta

²⁶ See *ibid.*, p. 48

²⁷ On the afternoon of 1st October 1906, "a tea-party was given for the Deputation in the garden of Viceregal Lodge" *Ibid.*, p. 4"

²⁸ *I.e.*, Lord Minto's Declaration before the Muslim Deputation on 1st October 1906

²⁹ See the Dispatch from the Secretary of State (Lord Morley) to the Government of India, dated at London 27th November 1908 para 12—P Mukherji, *Indian Constitutional Documents*, Vol. I pp. 314-15 Clarifying

and from some other quarters, proved too strong for Whitehall and he ultimately yielded to it. The result was that Electoral Regulations³⁰ framed under the Indian Councils Act, 1909, provided for the separate representation of Mahomedans through a system of special electorates. Lord Morley apparently did not feel very happy over¹ it; otherwise he would not have written the following lines to Lord Minto on December 6th, 1909.³¹

"I won't follow you again into our Mahometan dispute. Only I respectfully remind you once more that it was *your* early speech³² about their extra claims that first started the M hare. I am convinced my decision³³ was best."

his ideas in this connexion in the House of Lords Lord Morley said on 23rd February, 1909:

"We suggested to the Government of India a certain plan. It was the plan of a mixed or composite electoral college, in which Mahomedans and Hindus should pool their votes, so to say. To the best of my belief under any construction the plan of Hindus and Mahomedans voting together in a mixed and composite electorate would have secured to the Mahomedan electors wherever they were so minded the chance of returning their own representatives in their due proportion. The political idea at the bottom of that recommendation which has found so little favour was that such composite action would bring the two great communities more closely together, and this idea of promoting harmony was held by men of very high Indian authority and experience who were among my advisers at the India Office. But the Mahomedans protested that the Hindus would elect a pro-Hindu upon it. The Government of India doubted whether our plan would work and we have abandoned it. I do not think it was a bad plan." See Keith, *Speeches and Documents on Indian Policy*, Vol II, 1858-1921, pp. 91-92.

It is really very unfortunate that Lord Morley showed this weakness even though he was convinced that his plan was not a bad plan.

³⁰ It appears that Lord Morley had to exercise his casting-vote to get these Regulations through his Council. See Morley, *Recollections*, Vol II, pp. 316-17. (Under the Indian Councils Act, 1909, the Electoral Regulations were to be made by the Governor-General of India in Council, subject to the approval of the Secretary of State in Council.)

³¹ See Morley, *Recollections*, Vol II p. 325.

³² Obviously it refers to Lord Minto's Declaration of 1st October, 1905.

³³ I.e., his earlier view referred to above.

In 1917-18 Mr Montagu Secretary of State for India and Lord Chelmsford Viceroy and Governor General of India re-examined³⁴ the question of communal electorates in the light of their new policy and also because they had been pressed to extend the system of communal electorates in a variety of directions. Referring in this connexion to the Minto Declaration of 1906 they observed³⁵ that it was probable that 'the far-reaching consequences of this decision and the difficulties which it would create at a later stage had not been 'fully foreseen'. They could not regard being had to their position use a stronger language of condemnation of the Declaration. And with regard to the general question of communal electorates they first held that such electorates were 'opposed to the teaching of history. We conclude unhesitatingly that the history of self-government among the nations who developed it and spread it through the world is decisively against the admission by the State of any divided allegiance against the State's arranging its members in any way which encourages them to think of themselves primarily as citizens of any smaller unit than itself'.

Secondly they observed that communal electorates would perpetuate class divisions. 'India generally has not yet acquired the citizen spirit and if we are really to lead her to self-government we must do all that we possibly can to call it forth in her people. Division by creeds and classes means the creation of political camps organized against each other and teaches men to think as partisans and not as citizens and it is difficult to see how the change from this system to national representation is ever to come. The British Government is often accused of dividing men in order to govern them. But

³⁴ See *Report on Indian Constitutional Reforms* 1918 paras 227-232

³⁵ *Ibid* para 75

*if it unnecessarily divides them at the very moment when it professes to start them on the road to governing themselves it will find it difficult to meet the charge of being hypocritical or short-sighted"*³⁶

Thirdly, they remarked that the communal system would stereotype existing relations "A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security" "On the other hand," the stronger majority "will be tempted to feel that they have done all they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purposes The give-and-take which is the essence of political life is lacking"

Finally, they stated "We regard any system of communal electorates, therefore, as a very serious hindrance to the development of the self governing principle"³⁷

These are very weighty arguments effectively expressed against any system of communal electorates Yet Mr Montagu and Lord Chelmsford assented "to the maintenance of separate representation for Muhammadans," as they did not dare to go back on 'settled facts' Any attempt to do so, they said "would rouse a storm of bitter protest (from the Mahomedans) and put a severe strain on the loyalty of a community which" had "behaved with conspicuous loyalty during a period of very great difficulty, and which" they knew "to be feeling no small anxiety for its own welfare under a system of popular government" "How can we say to them" (*i.e.* the Mahomedans), they continued, 'that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventu

³⁶ The italics are mine

³⁷ See *ibid.* para 231

ally be to their benefit, and that for these reasons we have decided to go back on it? Much as we regret the necessity, we are convinced that so far as the Muhammadans at all events are concerned the present system must be maintained until conditions alter, even at the price of slower progress towards the realization of a common citizenship"³⁸ Thus principle was sacrificed to expediency. *Politics* had led to the Minto Declaration of 1906, *Politics*, again, determined the maintenance of the system of communal electorates in 1917-18.³⁹ I really feel tempted to quote here a saying of Joseph Mazzini⁴⁰ "To be mistaken is a misfortune to be pitied, but to know the truth and not to conform one's actions to it is a crime which Heaven and Earth condemn"

A concession granted and renewed to the Mahomedans, had, by force of logic, to be gradually extended to other communities in India. "We have been pressed" write Mr Montagu and Lord Chelmsford⁴¹ 'to extend the concession to other

³⁸ *Ibid.* para 231

³⁹ It may be argued against this position that under the Congress League scheme of December 1916 the Indian National Congress was a party to a compromise which provided for special electorates for Mahomedans. The Congress certainly committed a serious blunder in agreeing to the principle of communal electorates even though it restricted them to the Mahomedans alone. Presumably it could not prevail against the baneful consequences of the Declaration of 1906 on the Politics of this country. But that does not justify the action of those who, as Mr Montagu and Lord Chelmsford said, were leading the people of India to self government, in starting them on the wrong road to governing themselves. Moreover did Mr Montagu and Lord Chelmsford follow the Congress League scheme in many other respects? We all know that they did not—and in some cases very rightly. There was therefore, no point in attaching any special importance as they appear to have done in para 231 of their *Report on Indian Constitutional Reforms* to the particular action of the Congress, namely its assent to special electorates for Mahomedans when such electorates were considered by them "as a very serious hindrance to the development of the self governing principle." They should have, therefore recommended what they themselves thought would soon conduce to "the realization of a common citizenship" in India.

⁴⁰ See his *Duties of Man and Other Essays*, Everyman's Library p 7

⁴¹ *Report on Indian Constitutional Reforms*, 1918 para 242

communities Any general extension of the communal system, however would only encourage still further demands and would *in our deliberate opinion be fatal* to that development of representation upon the national basis on which alone a system of responsible government can possibly be rooted At the same time we feel that there is one community from whom it is *imperdient* to withhold the concession The Sikhs in the Punjab are a distinct and important people they supply a gallant and valuable element to the Indian Army but they are everywhere in a minority and experience has shown that they go virtually unrepresented To the Sikhs therefore and to *them alone* we propose to extend the system already adopted in the case of Muhammadans ⁴² Again principle was sacrificed to political expediency Lord Chelmsford was perhaps not very happy over all this In the course of a speech in the Indian Legislative Council on 4th September 1918 he observed in reference to the recommendations on the vexed question of communal representation made by Mr Montagu and himself in their *Joint Report on Indian Constitutional Reforms*

We wished indeed to make it clear that in our opinion communal electorates were to be deprecated for the reasons set out in our report But it was in the main to the method of securing communal representation by communal electorates that we took exception and not to communal representation itself I am most anxious that the fullest representation should be secured to the various classes and communities in India but *I am frankly doubtful myself whether the best method for securing that representation is through a system of separate electorates* ⁴³

⁴² The italics in this quotation are mine

⁴³ The italics in this quotation are mine

Nevertheless, the Franchise Committee to which the whole question of the proper method of the representation of minorities had been referred, and over which Lord Southborough had presided, went a step further, and recommended—or rather had to recommend—in its Report, dated 22nd February, 1919, the extension of the system of communal electorates to Indian Christians in Madras, Anglo Indians in Madras and Bengal, and to Europeans in Madras, Bengal, Bombay, the United Provinces, and in Bihar and Orissa. In recommending, however, communal representation for these and other communities,⁴⁴ the Committee expressed the hope—a very pious hope in our view—that it would be possible at no very distant date to merge all communities into one general electorate.” And in the Fifth Despatch⁴⁵ to the Secretary of State, dated 23rd April, 1919, the Government of India stated that it felt the objections of principle to the communal system as strongly as the authors⁴⁶ of the reforms Report,’ but that India was not prepared to take the first steps forward towards responsible government upon any other road. Under the then existing conditions it could, therefore, see no ground on which it could question the recommendations of the Franchise Committee regarding the representation of minorities. But it expressed the same hope in regard to the future of the communal system as the Committee had done before.

As a consequence of all these, provision was made in the Electoral Rules framed under the Government of India Act, for the separate representation of Mahomedans, Europeans Anglo-Indians, Indian Christians, and Sikhs through their respective communal electorates.

⁴⁴ I.e., the Muslims and the Sikhs.

⁴⁵ Para 18.

⁴⁶ I.e., Mr Montagu and Lord Chelmsford.

It may be noted here that, instead of being abolished or even modified as hoped for by the Franchise Committee and the Government of India, the system of communal electorates was confirmed, and even extended in several directions till then unaffected, by the Communal Decision of His Majesty's Government, dated at London 4th August, 1932, upon which the electoral provisions⁴⁷ under the Government of India Act, 1935, now in force, have been practically based except in regard to one matter⁴⁸. Even an attempt was seriously made by His Majesty's Government to drive a wedge through the Hindu community itself and to split it into two sections—the so called Depressed Classes and the rest of the Hindu community. Paragraph 9 of the Statement setting forth the said Communal Decision, provided for the assignment of a number of special seats to the Depressed Classes in several Provinces. These seats were to be “filled by election from special constituencies in which only members of the ‘depressed classes’ electorally qualified” would be entitled to vote. Fortunately, this attempt to divide the Hindu Community was to some extent frustrated by what is known as “the Poona Agreement between the Caste Hindu and Depressed Class Leaders”. I may add that the said Communal Decision and the Electoral Provisions based thereon, have introduced a new category of constituencies, namely, ‘Backward Areas and Tribes,’ and that, thus, the principle of separatism has been extended in various directions poisoning the whole political atmosphere of this country.

Before I leave this subject of communal electorates, I should like to quote the following extract from an interesting

⁴⁷ See the Fifth and the Sixth Schedule to the Government of India Act, 1935.

⁴⁸ Affecting the so-called Depressed Classes.

discussion⁴⁹ in which Lord Lytton,⁵⁰ Mr Wickham Steed,⁵¹ Mr Kingsley Martin,⁵² and Sir Atul Chatterjee⁵³ took part

Lytton I would like to mention one subject It's the question of where religion and politics become indistinguishable

"It was Lord Willingdon's policy in Madras to establish Governments on a definitely religious community basis between Brahmin and non-Brahmin, and in the first reformed Assemblies,⁵⁴ the parties in Madras were Brahmin and non Brahmin "

Martin The point, I suppose, being that caste is a matter of birth ?

Lytton Yes That was the point I took up with Lord Willingdon I objected rather strongly to his encouragement of the division of parties which depended upon the accident of birth and could never be altered A man is born a Brahmin or a non-Brahmin and nothing can change his caste For the same reason I gave Lord Willingdon I have often objected to communal franchise because in my view it makes for intolerance, since a man who is elected in a Muslim constituency is judged by whether or not he's a good Muslim If he's elected in a mixed community on mixed franchise he's judged by whether he is equally considerate of the

⁴⁹ See *India and the Four Freedoms* (B B C pamphlet No 1), Oxford, pp 86-87

⁵⁰ Under-Secretary of State for India (1920-22), Governor of Bengal (1922-27), and the Acting Viceroy of India in 1925

⁵¹ Sometime Editor of *The Times*, London

⁵² Editor of *The New Statesman and Nation*

⁵³ I.C.S. (retired) After 20 years varied service and experience, he represented the Government of India in different capacities at Washington (1919), Geneva (1921), London (1925-31) and Ottawa (1932) "

⁵⁴ Obviously under the Montagu-Chelmsford Reforms

interests of Hindus and Muslims, and that tends in the course of time to create political toleration"

"Steed In other words, instead of being a mandatory he becomes a trustee?"

"Lytton Yes, and although I have said that there is in India great religious toleration there is also great political intolerance"

"Steed Is that because politics involve a struggle for power?"

"Lytton Yes and the best way of getting rid of that, I thought, was that a man should represent his constituents, whether they were Hindus or Muslims, and study their political interests regardless of their religious faith "

"Martin I have always believed that Morley's⁵⁵ introduction of the communal franchise caused a great deal of trouble It was a disastrous mistake, in my view"

"Chatterjee If I may say so, I entirely agree with Lord Lytton's analysis of the effects of a system of communal electorates"

Unfortunately, the "disastrous mistake," to quote the words of Mr Kingsley Martin, was persisted in by Lord Morley's successors in office As a consequence, the communal franchise has not only made for intolerance in India, but is also primarily responsible for the ugly situation that has arisen in this country to day However, I shall further deal with this point later on

⁵⁵ As shown before, Lord Minto was more to blame than Lord Morley for the introduction of communal electorates into India The latter, however, showed weakness in yielding to the former and not sticking to his own view on the question If he had done so, the history of India would have been different to-day

III

THE DECLARATION OF AUGUST, 1940⁵⁶

I have dwelt above on the question of separate representation through communal electorates and on some of its evil effects. I shall now refer to the second factor which has contributed to the complication of our communal problem and the consequential intensification of communal bitterness in this country. This factor is the Declaration issued by the Governor General of India on 8th August 1940 with the authority of His Majesty's Government—popularly known as the Declaration of August, 1940—, and the explanatory speech which Mr Amery made in this connexion in the House of Commons on 14th August, 1940⁵⁷. Among other things that Declaration contained the following statement:

'It goes without saying that they (i.e. His Majesty's Government) could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.'

On the face of it, this statement is very innocuous, and apparently breathes a flattering sympathy with minorities. But in effect it has in the peculiar circumstances of India materially contributed together with what Mr Amery said in the House of Commons on 14th August, 1940 by way of its explanation and justification to inordinate ambition communal or sectional fanaticism, and political intransigence on the part of some of our minorities. Moreover, it has practically invested

⁵⁶ See Appendix D for this Declaration.

⁵⁷ See Amery *India and Freedom*, Appendix I and pp. 66-76.

them with the power of veto on even all reasonable proposals for the solution of our constitutional problem. Apart from Congress said⁵⁸ Mr Amery in the House of Commons on 22nd April 1941 with reference to the Declaration of August 1940 the Government's major policy for the constitutional future may be said to have relieved the anxieties of the various elements which compose India's national structure. This was only natural in view of the power of veto which the said policy in effect placed in the hands of *some* of these elements on all proposals for constitutional reform to which they were opposed⁵⁹. But it should not be forgotten in this connexion that in a subject country particularly on the eve of its attaining freedom conflicting sectional interests do naturally tend to emerge or are even sometimes unfortunately made to emerge by *interested* parties. We all know what is happening to day in the liberated countries of Europe. And I really feel tempted here to ask the British Government whether it is prepared to act upon the principle embodied in the statement quoted above from the August Declaration in relation to those liberated countries and also to what extent it has so far followed the same principle in practice in France Belgium Yugoslavia and specially in Greece.

Further although I do not support all that the Congress has done in India since 1937 yet I cannot help feeling that what Mr Amery said in the course of his speech in the House of Commons on 14th August 1940 with regard to the position of the great Moslem community 90 000 000 strong to quote his own words *vis-a-vis* the Congress is open to criticism and challenge. The same thing also applies to his statement in the speech with regard to the Scheduled Castes. Considera-

⁵⁸ See *ibid.* p. 85

⁵⁹ See in this connexion the Proceedings of the meeting of the Working Committee of the All India Muslim League held at Nagpur in December 1941

tions of space, however, do not permit me to go into details here "Agreement, consent," said Mr Amery in the course of this speech, "is indeed, the foundation of all free government, of all true democracy" True, but what is to happen if a fanatical section of the population of a country, intoxicated by the spirit of exaggerated egotism and the lust of power politics, is determined to pursue a course of policy which is based upon unreason, which is definitely anti-national, and which is certainly destructive of the future peace prosperity, and security of the country? How to deal with men in such a state of political intoxication, who will not even listen to the voice of reason? And what value is to be attached to their views either? And what policy, I ask again has His Majesty's Government itself pursued in "liberated" Greece with regard to such men? I would, therefore, earnestly request His Majesty's Government to think over these points in a *dispassionate* and *unprejudiced* mood And I would, in particular, request Mr Amery, *author* of the famous speech on "India First,"⁶⁰ seriously to reflect upon them also in a passionless spirit

IV

THE DRAFT DECLARATION OF 1942 OR THE CRIPPS OFFER

The third factor which has contributed to the present situation in India is what is popularly known as the 'non-accession' or "non adherence" provisions⁶¹ in the Draft Declaration embodying the "conclusions" of His Majesty's Government with regard to the future Constitution of India, (which

⁶⁰ See Amery *India and Freedom*, pp 34-39

⁶¹ See clause (c) of the Draft Declaration as published on March 30th 1942 According to Professor Conpland (*The Cripps Mission*, p 27) the Draft Declaration was first announced by Sir Stafford Cripps at his fourth Press Conference on 29th March, 1942 Also see Appendix E(2)

was published on 30th March, 1942), together with the Prime Minister's statement in the House of Commons on 11th March 1942, foreshadowing the said Draft Declaration⁶² These non accession provisions have undoubtedly given a great fillip to the partitionist movement in India Among other things they declared that with such Province or Provinces of British India as were 'not prepared to accept' the proposed new Constitution for India, His Majesty's Government would if the Province or Provinces in question so desired, 'be prepared to agree upon a new Constitution, *giving them the same full status as the Indian Union*'⁶³ Now let us see the full implication of this declaration

During his Press Conferences at Delhi on March 29th and 31st, 1942 certain questions were put to Sir Stafford Cripps, and he gave his answers to them, obviously as the spokesman of His Majesty's Government⁶⁴ Among others, there were the following questions and answers⁶⁵ —

"Will the Indian Union be entitled to disown its allegiance to the Crown ?

"Yes The Dominion (i.e., the Indian Union) will be completely free either to remain within or to go without the Commonwealth of Nations

"Will the Indian Union have the right to enter into a treaty with any other nation in the world ?

"Yes

"Can the (Indian) Union join any contiguous foreign countries ?

'There is nothing to prevent it Canada can join the U.S.A. to-morrow if it wants to

⁶² See in this connexion Appendix E

⁶³ The italics are mine

⁶⁴ See R. Coupland *The Cripps Mission* Oxford pp 12-32

⁶⁵ See *ibid.*, pp 31-32

"Can it ?

"Of course it can

"Exactly at what stage does the British Government propose to leave this country ?

"the moment the new constitution comes into operation, the change-over takes place "

And in reply to another question Sir Stafford stated⁶⁶ that the Indian Union would 'be free to take all measures *which are open to a sovereign State to take*'⁶⁷

Now these were to be some of the rights and privileges of the Indian Union as envisaged by the Draft Declaration. And as we have seen before a non acceding Province of British India, say, on the North-East or the North West of India, was to have, under the terms of the Draft Declaration "the same full status as the Indian Union," and, therefore, all the rights and privileges of the proposed Indian Union. That is to say, it would be entitled to take all measures open to a sovereign State. It might for instance, go without the Commonwealth of Nations," might enter into a treaty with any other nation in the world' and even join any contiguous foreign country, and might not have, if it so chose any relation ship with the Indian Union itself, although located within 'the geographic unity of India. If we now put all these things together, what really we obtain, as a result, is a partition of India—and I am, for the time being leaving out of consideration the question of the Indian States—, pure and simple, into two or more sovereign, independent States. This is exactly—if not, in some respects, more than—what Mr Jinnah had demanded. I am, therefore, not at all surprised to find that the reaction of Mr Jinnah and the Moslem League to this

⁶⁶ *Ibid.*, p. 32

⁶⁷ The italics are mine.

part of the scheme (*i.e.*, its non accession provisions) was naturally favourable," and that 'it apparently contented Mr Jinnah'⁶⁸ It is, however, a thousand pities that some of our foremost leaders claiming to be nationalists, concentrated, in their shortsightedness, their opposition more to the not very important, interim constitutional provisions in the Draft Declaration than to the fundamental change insidiously proposed to be introduced by it into the body politic of India by its non accession provisions—a change fraught with incalculable danger not only to the unity and integrity of our Motherland, but also to its future peace, prosperity, and security And in so far as His Majesty's Government was concerned, I really wonder how it could, with a clear conscience and a full knowledge of what was implicit in it, recommend an innovation which went against one fundamental principle in all the past declarations of British policy towards India' These declarations, it is well known, had never envisaged anything other than a *unified*—although not necessarily a *unitary*—political system for the whole of this country 'We have spoken of unity," said the Parliamentary Joint (Select) Committee⁶⁹ on Indian Constitutional Reform, 1933-34 over which the Marquess of Linlithgow presided, "as perhaps the greatest gift which British rule has conferred on India" And in 1942, His Majesty's Government decided to destroy this "greatest gift" of British rule to India, thus completely undoing the work of generations of British statesmen in the past And did not this decision amount to a great betrayal of the trust which the latter had left behind as a sacred legacy to the former? And what was behind this decision? I sincerely trust that it was neither Congress phobia nor League mania Was it the presence of 'the enemy' at the

⁶⁸ *Ibid.*, p. 36

⁶⁹ Para. 26

gates of India?' 'The crisis in the affairs of India arising out of the Japanese advance' said the Prime Minister in the House of Commons on 11th March, 1942, 'has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. If that was the objective behind the proposed change, then His Majesty's Government, I am constrained to say, betrayed a deplorable lack of imaginative insight by trying to save India by dividing India—by destroying its unity and integrity and, thus, endangering its whole future. It should have had political foresight enough to see that it would never be able to enthuse nationalist India and rally its forces to face the crisis in front of India, by pursuing a policy destructive of the future peace, prosperity and security of this country.

It has been insinuated by some people that the Draft Declaration was an astute piece of Machiavellism on the part of His Majesty's Government, that it knew beforehand that the constitutional scheme embodied in it, would founder on the rock of its non-accession provisions but that the British Government would take credit before the whole world that, although it had offered full self government to India immediately upon the cessation of hostilities yet nothing came out of this generous offer owing to its serious internal differences. I do not know how far this insinuation is based upon facts. I can only hope that this is not true. But I cannot, having regard to the past attitude of the British Government towards the aspirations of the Indian people, account for the undue—and almost unseemly—haste it showed in 1942 in trying to meet the particular demand of the Muslim League, namely, its demand for the partition of India. This Muslim League demand for the partition of India had been made by a resolution adopted at Lahore in March, 1940 and before even

two years had elapsed the British Government resolved to concede it, in defiance of the opposition of nationalist India and in total disregard of the principle of unity which it had consistently followed with regard to the governmental system of this country ever since 1773. It should not also be forgotten in this connection that only in August, 1933, the spokesman of the All India Muslim Conference and the Muslim League had declared before the Parliamentary Joint Select Committee on Indian Constitutional Reform that the scheme of "Pakistan" was 'only a student's scheme,' and that another member of the Muslim delegation had said before the same Committee.

So far as we have considered it, we have considered it chimerical and impracticable"⁷⁰ Thus what had been considered in 1933 by responsible Muslim opinion as 'only a student's scheme,' chimerical and impracticable"—and the whole scheme of "Pakistan" is really nothing else than that—, received in 1942 the solemn approval of His Majesty's Government. This is, indeed, strange, if not mysterious.

In a speech⁷¹ delivered before the House of Commons on April 28th, 1942, Mr Amery tried to defend the "solution" offered by His Majesty's Government through the Draft Declaration as one 'which struck as fair a balance between contending points of view as it was possible to attain,' and also as one which was 'essentially sincere and fair.' But what had the same Mr Amery repeatedly said before as the responsible spokesman of His Majesty's Government in his capacity as the Secretary of State for India? In the course of a speech on "Our Indian Record" made before the English Speaking Union on November 21st, 1940, he said⁷²

⁷⁰ See Coupland *Indian Politics 1936-1942* Oxford pp 199-200

⁷¹ See Amery, *India and Freedom* p 104

⁷² *Ibid.*, p 21

India within the rough quadrilateral of her mountains and seas has no natural internal frontiers. That is the fundamental historic and political feature of the Indian problem. Only in political unity can India find peace and stability.

Also in the course of his speech on India First on 12th December 1940 at the Foyle Luncheon Club ⁷³

Once broken up into separate independent entities India would relapse as it did in the decline of the Mogul Empire into a welter of contending powers in which free institutions would inevitably be suppressed and in which no one element would have the resources with which to defend itself against external attack whether by land or by sea.

Also in the course of his speech on the Indian Constitutional Problem on 19th November 1941 at the Manchester Luncheon Club ⁷⁴

Beneath all the differences of religion of culture of race and political structure there is an underlying unity. There is the fundamental geographical unity which has walled India off from the outside world while at the same time erecting no serious internal barriers. There is the broad unity of race which makes Indians as a whole whatever their differences among themselves a distinctive type among the main races of mankind. There is the political unity which she has enjoyed from time to time in her history and which we have confirmed in far stronger fashion than any of our predecessors in a unity of administration of law of economic development and of commun-

⁷³ *Ibid* p. 36

⁷⁴ *Ibid* p. 43

cations I would say, indeed, that *if some sort of Indian unity had not existed it would have to be invented*⁷⁵ If India were broken up and reverted to chaos to-morrow, Indians would have to set about trying to invent for her at any rate some minimum of unity against the dangers from outside. Why then should they not take her over now as a going concern though one remoulded nearer to their own heart's desire?"

Again,⁷⁶ in the House of Commons on 22nd April 1941, with reference to the Muslim League demand 'for the complete severance from the rest of India of the north-western and north-eastern zones and their establishment as completely independent states controlling their own defence, foreign affairs and finance"

"I am not concerned here to discuss the *immense practical difficulties* in the way of the so-called Pakistan project, stated in this its extreme form. Nor need I go back to the dismal record of India's history in the eighteenth century or to the disastrous experience of the Balkan peoples before our eyes, in order to point out *the terrible dangers inherent in the break-up of the essential unity of India* in its relation to the outside world, *a unity of whose achievement we have every right to feel proud*"⁷⁷

And lastly,⁷⁸ in the House of Commons on 1st August, 1941, with reference to the League demand "for the complete breaking up of India into separate Hindu and Moslem dominions"

⁷⁵ The italics are mine

⁷⁶ See *ibid.*, p. 80

⁷⁷ The italics in this quotation are mine

⁷⁸ See *ibid.*, p. 92

I need say nothing to day of *the manifold and to my mind insuperable objections to such a scheme*¹⁹ at any rate in its extreme form. I would only note this that it merely shifts the problem of permanent minorities to somewhat smaller areas without solving it. It is a counsel of despair and I believe of wholly unnecessary de pair.

In spite of these declarations Mr Amery had no hesitation in defending in 1942 the proposal of His Majesty's Government for the partition of India in certain circumstances. In his Essay on Self Reliance Emerson has said

A foolish consistency is the hobgoblin of little minds, adored by little futile men and philosophers and divines. With consistency a great soul has simply nothing to do. He that is well concerned himself with his shadow on the wall.

I do not know how far Emerson is right in this view or whether Mr Amery belongs to the category of great soul. One thing at any rate is true. A politician is perhaps above this *foolish weakness* of consistency and Mr Amery is a politician.

In this connexion I should like to touch on another point. The persistence of the Muslim League in unreason and intransigence has naturally provoked a serious reaction in a powerful section of the Hindu community and it has begun to insist that since India—and particularly the northern half of it—has been known for centuries and centuries together as Hindu than—the Homeland of the Hindus—and inhabited by the Hindus from times long long before the birth of Muhammadanism in Arabia it should be governed by the Hindus alone. May I ask Mr Amery and through him His Majesty's Government whether they are prepared to pay any heed to

¹⁹ The italics are mine.

this demand on the part of these Hindus—a demand as absurd and as unreasonable in the present circumstances of India as the demand of the Muslim League for the partition of India into Hindusthan and Pakistan? We know what the answer will be and should be to this question

V

CONCLUSION

I have analysed above the factors which have *primarily* contributed to the present political dead lock in this country. I am quite prepared to admit that some of the policies pursued by the Congress High Command and some Congress Ministers during the period from 1937 to 1939 may have given the immediate provocation to a section of the Muslim community in India and accentuated communal bitterness in it. But these policies by themselves could not have led to the suicidal demand by the Muslim League for the partition of India but for the seed of separatism carefully and deliberately sown as we have seen before by Lord Minto in 1906 and then duly watered and nurtured into a big tree by some other Britishers in responsible position. And the action of these people has been endorsed and confirmed by the British Government and the British Parliament. Britain therefore is primarily responsible for the present situation in India. It itself has created the monster of communalism through the institution of communal electorates and then duly fed and nurtured it with the August Declaration of 1940 and the non accession provisions in the Draft Declaration of 1942 and the consequence is the present dead lock. How can it honestly speaking disown its own responsibility in the matter and shirk its duty to India at this stage? It has created the tangle and it must conscientiously do everything possible to unwind it. Otherwise it

will be guilty of a serious dereliction of duty, and may legitimately be charged with political insincerity, hypocrisy and dishonesty. Mere professions of sincerity of purpose or intention on its part are not enough. They must be so translated into action as to convince others of this sincerity. At the same meeting on 26th October 1943 at the Cayton Hall at which Mr Amery spoke, Sir Alfred Watson also spoke. And what did he say? Speakers that afternoon," Sir Alfred has been reported to have observed,⁸⁰ had fallen into *the too common error* of saying that responsibility for the future was wholly Indian. The British could not divest themselves of responsibility. The present uneasy balance of parties in India created conditions in which India in the future might become the centre of another world war. Our responsibility was the greater, inasmuch as *we had imposed upon India* a form of constitution which was utterly out of touch with democratic principles. When we consented, unwillingly (?), to communal representation we clamped upon India a form of government in which there could not be an alternation of parties in power such as there was in this country. Practically the composition of the Legislatures was settled before a vote was cast by the electorate. The system of communal representation was not confined to the Muslims and Hindus. This system had to be got rid of if progress was to be made. There (then?) we could say that the responsibility for change rested upon India and not on ourselves.⁸¹ This is, *on the whole*, an honest and straightforward attitude. In a more or less similar vein spoke Mr Godfrey Nicholson M.P. when he said at the same meeting. "Either India was our responsibility or it was

⁸⁰ See *The Asiatic Review* January 1944 pp. 32-33

⁸¹ The italics in this quotation are mine

not, the answer was that it was our responsibility, we could not escape it by saying to India, 'You must work out your own constitution'⁸² This remark may have been a little blunt and forthright, but it is at any rate refreshing, compared with the sanctimoniousness we often notice in the speeches of some other British politicians in regard to India

In conclusion, I should like to say that if Britain means well by India, as it always professes to do, it must, in the first place, bring under control the Frankenstein monster of communalism which it has itself created and, if this monster is not amenable to logic, reason and persuasion, it must either take steps to destroy it, or, if this is not feasible, ignore it altogether. And I believe that Britain can do any of these things if it wants to. It must, for instance, make a categorical and unequivocal declaration that it will not destroy with its own hand its own child of "unity" upon which it often prides itself as its 'greatest gift' to India, that, speaking geographically, economically, politically, ethnologically, and strategically, India is a single unit and does not, consistently with its true interests, permit of any division into two or more sovereign independent States, that the maintenance of the unity and integrity of India is one of its primary obligations, that it will, therefore, never be a party to any partition of India as contemplated by the Muslim separatists and that it stands by the Cripps offer minus its non accession provisions. It is true that, since this offer was made, Britain has in a way done this through some of its responsible representatives. The parting message⁸³ of His Royal Highness the Duke of Gloucester to India in 1942,

⁸² *Ibid*, p 32

⁸³ "India is a country fashioned by Nature to be united. Divided against herself she would be very weak. united she can be great and powerful beyond measure."

the speeches of His Excellency Lord Linlithgow⁸⁴ and His Excellency Lord Wavell⁸⁵ before the annual meetings of the Associated Chambers of Commerce at Calcutta on 17th December, 1942 and 14th December, 1944 respectively, the speech of His Excellency Lord Wavell⁸⁶ before the Indian Legislature on 17th February 1944 and lastly the speech of

⁸⁴ Among other things Lord Linlithgow stated at Calcutta on 17th December 1942

I have often spoken to you in my earlier addresses of the importance of unity in this country. Geographically India for all practical purposes, is one. I would judge it to be as important as it ever was in the past, nay more important that we should seek to conserve that unity in so far as it may be built up consistently with full justice for the rights and *legitimate claims* of the minorities whether those minorities be great or small. That that would be a desirable aim no one can doubt who tests that proposition in *terms of foreign policy of tariff policy of defence policy of industrial development*.

A divided people cannot carry the weight that it ought to carry or make its way in the world with the same confident expectation of success. — (*Hindustan Standard* and *Amrita Bazar Patrika* of December 18th, 1942 Dak Edition)

The italics are mine

⁸⁵ Lord Wavell said in the course of his speech at Calcutta on 14th December 1944

"If she (i.e. India) is still tossing with the fever of political faction or if her political doctors decide that she must undergo a major surgical operation such as Pakistan she may miss the opportunity that is hers to take but can be taken only by a nation at health within itself and fit for a struggle that will test every nerve and sinew—the struggle for greater well being and greater happiness in this great land.

Whatever the future constitution may be the events of the past thirty years have shown us that it must provide adequately for the defence of the country and Indian leaders will do well to consider this closely.

See *The Statesman* and *Amrita Bazar Patrika* of 15th December 1944

⁸⁶ Lord Wavell said in the course of his speech to the Indian Legislature on 17th February 1944

On the main problem of Indian unity the difference between Hindu and Muslim I can only say this. You cannot alter geography. From the point of view of defence of relations with the outside world of many internal and external economic problems India is a natural unit. no man can alter geography.

See *Legislative Assembly Debates* (Central) of Thursday 17th February 1944

Mr Amery⁸⁷ himself in the House of Commons on 28th July 1944 have all laid stress on this geographical unity of India and on its economic political and strategic implications. Yet what is now necessary is not any further policy of drift and temporization but a firm and unequivocal declaration by His Majesty's Government that the future Constitution of India must duly recognize this fundamental unity of India and respect it in its provisions.

Secondly His Majesty's Government must re-affirm its faith in and its adherence to the ideal of an All India Federation as the only proper and legitimate solution of the Indian problem and must declare that it will henceforth stand by this ideal and do everything possible in its power to hasten its realization within the shortest possible time. If words have any meaning—and there should be no shilly shallying about it on the part of His Majesty's Government—then the message of His Royal Highness and the speeches of their Excellencies Lord Linlithgow and Lord Wavell and of Mr Amery referred to above unmistakably point to the imperative necessity of the establishment of an All India Federation composed of autonomous constituent units with adequate statutory safeguards for all racial and religious minorities in India in respect of their language religion culture traditions and other reasonable rights and privileges.

Lastly pending the final settlement of the Indian constitutional question on the lines of the Cripps offer *minus* its non-accession provisions Part II of the Government of India Act

⁸⁷ Mr L. S. Amery said in the House of Commons on 28th July 1944:

I should hesitate to say that we should of deliberate purpose jettison that Indian unity which geography and 250 years of British influence have brought about. But it is just this inherent and unescapable complexity of the Indian situation which both precludes rigid unity and yet forbids complete severance.
—*The Statesman* of 30th July 1944 (Dak Edition)

1935 popularly known as the Federal Part of the 1935 Act must be immediately brought into operation after a few such minor amendments in it as may be considered absolutely necessary for its smooth working. In particular Sub section (2) of Section 5 of the Act which has laid down an almost impossible condition for the establishment of the Federation of India should either be altogether deleted with consequential changes in the preceding sub section or so amended as to make the establishment of the Federation easy. This may entail one or two other minor amendments in the Act. Besides a few healthy conventions in regard to the constitution and powers of the Federal Executive and its relation to the Federal Legislature may be agreed upon so as to ensure the harmonious and successful working of the Federal Part of the Act. Let the nucleus of an All India Federation be once brought into being and it will in the course of its working and accretion gather sufficient momentum and then everything will be all right. It was to my mind sheer folly on the part of some of our leaders to have opposed the introduction of the Federal Part of the Act of 1935 in spite of its defects and anomalies⁶⁸ and it was a serious error of judgment if not an exhibition of moral cowardice on the part of His Majesty's Government to have yielded to this foolish opposition in 1939. Perhaps it was hoist with its own petard and paid the penalty for its action in framing Sub section (2) of Section 5 of the Act in the way it had done. More than once in recent years Mr Amery has characterized the India Act of 1935 as a remarkable feat of constructive statesmanship and I therefore sincerely hope and trust that he will have courage enough to bring the most important Part of this Act namely its Federal Part into immediate operation notwithstanding

⁶⁸ See Appendix G in this connexion

any opposition on the part of the irreconcilables in India or elsewhere. A diseased system sometimes requires a drastic remedy as the only cure. This is as much true of the body politic as of the body natural. His Majesty's Government should not again try to make as a plea for inaction a fetish of "consent or agreement" on the part of this party or that in India. How often in the past did it wait for the consent of parties in India for bringing into operation constitutional Acts? And did it wait for obtaining the consent of parties in India when it involved it in this present War? And we all know what this involvement has meant to this country! If His Majesty's Government acts as I have suggested there may be a little squealing here a little frothy ebullition in another place or at most a few paper shot in the form of wordy and angry resolutions in a third place. But we shall be able to stand all this *brutum fulmen*. The central body of opinion in this country will support the action of His Majesty's Government out of sheer disgust at its present situation and there will be no difficulty whatsoever anywhere. What is now really needed on the part of His Majesty's Government is true sincerity of purpose and a genuine determination untainted by any selfish or Imperialistic considerations to end the present dead lock in India. Perhaps His Excellency Lord Wavell who has already made a good name in this country for his well meaning frankness and realism may play a great role in this connexion.

THE COUPLAND SCHEME*

I

The object of this paper is to examine the scheme of the future Government of India which Professor R. Coupland has outlined in his work entitled *The Future of India*¹ and also very briefly in a lecture delivered² before the East India Association, London. This scheme has for some obvious reasons attracted a certain amount of notice not only in England and India but also in the United States of America although its author has been modest enough to say in an Introduction to the work that he has only speculated about the future that no solution of the Indian problem is to be looked for in it and that he has only tried to explore some of the ways in which what he considers to be the dominant factors of the problem might possibly be dealt with.

II

Before however I actually examine his scheme of Government I should like to refer to Professor Coupland's views on the question of the partition of India as contemplated by Muslim separatists since they constitute a fundamental basis of his speculations. The author has assumed that according to the scheme of partition which the Muslim separatists contemplate—and he refers in this connexion to the

* Originally published in *The Calcutta Review* of March, 1943.

¹ Published by the Oxford University Press. It is Part III of the *Report on the Constitutional Problem in India* by Professor R. Coupland C.I.E.

² Entitled *Possibilities of an Indian Settlement*. See *The Asiatic Review* January 1944 pp. 26-34.

³ On 26th October 1943. See *ibid*.

"partition" resolution of the Muslim League, adopted at Lahore in March 1940 and to what he thinks "Mr Jinnah and his colleagues of the League high command" have in mind—there are to be two Muslim National States which for convenience he designates 'Pakistan' and 'North East India' "Pakistan is to comprise the North West Frontier Province the Punjab, Sind and British Baluchistan 'Territorial readjustments are suggested to exclude the Ambala Division from the Punjab North East India is to comprise most of Bengal and Assam the territorial readjustment' in this case being the exclusion of the Hindu majority districts which constitute the Burdwan Division in Western Bengal" ⁵ He has examined the case for partition as well as the case for a united India with some thoroughness Although occasionally ⁶ he has made statements in his book which are really open to serious

⁴ It may be noted here that Professor Coupland's assumption is quite in accordance with the partition resolution of the Muslim League adopted at Lahore in March 1940 That resolution certainly contemplates more than one independent and sovereign Muslim State on the North West and the North East of India Mr Jinnah however now thinks otherwise He says that the Lahore resolution contemplates one sovereign Muslim State of Pakistan on the North West and the North East of India See his correspondence with Gandhi during the recent (September 1944) Gandhi-Jinnah negotiations also his views as set forth at the Press Conference held at Bombay on 4th October 1944 also his statement to a foreign correspondent dated at Bombay 6th (4th?) October 1944 Also see foot note a below

⁵ This is however not the view of Mr Jinnah now as President of the All India Muslim League He has recently said "There is only one practical realistic way of resolving Muslim-Hindu differences This is to divide India into two sovereign parts of Pakistan and Hindustan by the recognition of the whole of the North West Frontier Province Baluchistan Sind Punjab Bengal and Assam as sovereign Muslim Territories as they now stand" ^{**} From Mr Jinnah's statement to a foreign correspondent dated at Bombay 6th October 1944 (A P I Message) Also see foot note 4 before ^{*} (The italics are mine)

⁶ See for instance Professor Coupland's remarks on pages 98 and 99 of his *Future of India* These remarks will to my mind provide some of its best fuel to communal incendiarism in India which he is apparently so anxious to prevent

objections, and which betray, on his part, a sort of inward sympathy with a cause from which fortunately, his reason, fortified by lessons of history, and his sense of justice and fair-play often recoil, yet it is gladdening to note that Professor Coupland is, on the whole anxious to preserve the political and economic unity of India, if only, he adds however, means can be devised for doing so on just and honourable terms.

Nor should it be overlooked he very rightly observes, 'that it is a question of preserving, not of obtaining, that unity. Apart from small adjustments of the frontier the whole of India became a single State when the Punjab was brought under British rule in 1848—a State of dual structure combining British Provinces and Indian Principalities, but still a single State under the ultimate control of a single Government. Thus the partition of India would not be comparable with what would have occurred if the American States had failed to federate in 1787, but rather with what would have occurred if the Southern States had won the Civil War and split the American Commonwealth in two. Partition is destructive, not constructive, and such merits as may be claimed for it must be weighed against the value of that which it would destroy.'

Referring in this connexion to centripetal factors in India, Professor Coupland says that the unity of India is certainly natural. 'The political and economic unity of India is natural because it is the natural response to its geography.'

* *The Future of India*, p. 100

* *Ibid.*, pp. 100-101

* He adds, however a rider to this statement that there is nothing inevitable about its preservation in the future. Curiously enough, throughout the book the author maintains this policy. He first makes a positive statement, and then adds a rider to it, which either partly or wholly nullifies the effect of the positive statement that precedes it. The reason is obvious. It is an indication of the inner working of the author's mind, and betrays that with which he has real sympathy for reasons best known to him.

The familiar contrast with Europe is as instructive on this point as it is on several others. For, whereas the physical configuration of Europe—its long indented coast line, its peninsulas and inland seas and islands, its mountain ranges—has fostered the growth of separate nations and their seclusion from one another in separate States, geography seems to have marked out India, though not much smaller than Europe, to become in due course a single political and economic unit. On two sides it has set the sea and on the 'third the greatest mountain barrier in the world, and, while it has thus cut the peoples of India off from other peoples, it has not cut them off from one another. Mere distance in fact, not any natural frontier, was the chief impediment to the expansion of the British Raj all over India, and, long before the coming of the aeroplane, distance had been conquered by the railway, the telegraph, the telephone and the all-weather road. No soldier or administrator now-a-days would say that the physical character of India makes it hard to hold or govern it." The unification of India under British rule," the author further observes, has not only made all Indians feel themselves to be Indians, it has saved India from the fate which political and economic nationalism has brought on Europe"¹⁰ "No one can travel through India to day without becoming aware of the extent to which it has acquired a common life, a common society, in which its educated elements are freely commingled. He may share his carriage in the train with a Bombay merchant who has been visiting a branch of his business at Lahore, a lawyer from Bengal with a brief at Nagpur, a Madras scientist attending an academic conference at Calcutta, a Punjabi officer going to join his regiment at Bangalore." These are some of the common social, economic and intellectual activities" to

¹⁰ *The Future of India* p. 182

which the author has referred in this connexion¹¹ Dealing in particular with the economic aspect of the question he has very rightly pointed out¹²

While Europe has paid the disastrous price of economic nationalism British India has preserved free trade between all parts of a region about half the size of Europe United India has been able to maintain a profitable balance between areas of different economic character Raw materials have been produced in one manufactured in another and the finished goods marketed in all without having to cross and to pay for crossing a single customs barrier Between the independent States of a disunited India unable to dispense with revenue from customs duties or forced into protection by industrial competition with each other such barriers would inevitably have been built up with inevitable injury to the economic welfare of India as a whole

Professor Coupland quite appreciates the reasons why the Mo lems¹³ want Partition But he doubts whether it has yet been fully realized that Partition would throw India back to something like the state she was in after the Mogul Empire had collapsed and before the British Raj replaced it For, once the frame of unity were broken once the process of disruption had begun it would not be likely to stop at the separation of a Moslem State or States from Hindu India Already the leader of the anti Brahmin Justice Party in Madras has backed the Moslem claim for Pakistan and demanded an independent Dravidian State in Southern India¹⁴ The drift towards fragmentation might well go further and India might

¹¹ *Ibid* p 102

¹² *Ibid* p 103

¹³ It is not true to say that all Muslims want partition Some important sections of the Muslim community are opposed to it

¹⁴ *Ibid* pp 103 104

ultimately relapse into the bloodshed and barbarism of a half forgotten past ¹⁵ Professor Coupland is perfectly right here

It is indeed ironical he remarks ¹⁶ that Indian separatists should be seeking to tread the road that Europe has trodden at the very moment when the end to which it has brought Europe and might so easily bring India is plain for all to see. The Moslems not only declare that union is impossible they make a virtue of disruption. They exalt the principle of national separatism when the tragedy of Europe has just exploded it and strangest thing of all they appeal to the history of Europe to prove that they are right. Referring particularly in this connexion to those separatists who appeal to the Balkan example he says ¹⁷ It would almost seem as if the Balkanisation of India were to be regarded as in itself desirable despite the fact that the fragmentation of the Balkans has been the running sore of European politics for a century past. It has been a standing invitation to external powers—Russia on one side Austria with Germany behind her on the other—to intrigue and stir up strife in order to promote their own *Realpolitik*. Moreover such an appeal overlooks the existence of those minorities of a different nationality in the national States which create in the Balkans as they would create in a partitioned India the dangerous problem of an *irredenta*. And the existing fragmentation of the Balkans is not regarded by all Balkan statesmen as a permanent necessity. For some time past the possibilities of federation have been under consideration ¹⁸

Inter provincial migration is a method of easing the minority problem is out of the question. Numbers and

¹⁵ *Ibid* p 104

¹⁶ *Ibid* p 104

¹⁷ *Ibid* pp 104 105

¹⁸ *Ibid* p 105

distance alike forbid it. Mass transfer would involve not hundreds of thousands but millions or tens of millions and in many cases it would mean an unbearable change of climate and of all the ways of life which climate has dictated. Nor would it bring about in India as it would in the Balkans the union of homogeneous folk. The transferred multitudes would find themselves among people of a different stock speaking a language they could not understand. The fact indeed must be faced that however the lines of Partition were drawn and whatever local shiftings of population might be practicable the Hindu States would be bound to contain several million Moslems and the Moslem States several million Hindus.¹⁹ Partition therefore whatever its frontier lines will not abolish the communal problem.²⁰ The author's position here is unassailable.

There is another aspect of the question. A United States of India writes²¹ the learned Professor might reasonably expect to take rank in years to come among the great political units of the world. If greatness is still to be judged in the last resort by military power she has the potential strength and wealth required to achieve it. Geography has given her a safer strategic position than any other country of comparable size. In a disrupted India the Indians could never achieve their natural destiny. Their States would rank not with the Great Powers of the World but with Egypt or Iraq with Burma or Siam. Muslim separatists should very carefully consider this aspect of the question of partition.

Discussing some of the great difficulties in the way of partition, Professor Coupland observes that the first difficulty

¹⁹ *Ibid* p. 90

²⁰ *Ibid* p. 84

²¹ *Ibid* pp. 103-109

²² *Ibid*, pp. 86-87

is the problem of the Sikhs. They would insist on their own right of self-determination" and "seem determined to fight, if needs must, rather than stay as a minority in a Punjab that would be a Province of Pakistan. That they could be coerced into it (i.e., Pakistan) seems unthinkable. To attempt coercion would mean a civil war, and a war which once it had broken out could certainly not be confined to North West India.²³ The author might have added that the same thing would equally apply to the Hindus of both North East and North West India. Perhaps he did not sufficiently realize the intensity of their feelings on the question. As a historian he should have known however what happened to the Partition of Bengal, and how that "settled fact" had to be ultimately "unsettled," as a result of the fierceness of opposition to it on the part of the Hindus of Bengal. The second great difficulty is the question of Assam where the Muslims constitute only about one third of its population, and where the Hindus alone are much larger in number than the Muslims being more than 42 per cent of its total population.²⁴ The third great difficulty is the problem of Calcutta. As Professor Coupland has rightly pointed out, 'just as the Sikhs are the crux of Pakistan so Calcutta is the crux of North East India. In both cases the

²³ It may be pertinent to quote here an extract from the speech which Sardar Mangal Singh M.L.A. (Central) a Sikh Congressman delivered at the All India Akali Conference held at Lahore on 14th October 1944. He said "Let there be no mistake about the Sikh attitude. We are opposed to Pakistan and through this Conference we proclaim this before the world. The Sikhs will never agree to it. If it is forced upon them at the point of (the) British bayonets they will fight it to the death. Not only will they fight it by peaceful methods, but by all means consistent with their glorious traditions of chivalry and heroism no matter how bloody the battle. (A. P. I. Message)—*Hindusthan Standard* (Calcutta) of October 17th 1944 (Dak edition)

²⁴ See *The Future of India* pp. 87-88, also Coupland's *Indian Politics* 1936-42 (i.e. Part II of his *Report on the Constitutional Problem in India*) p. 339

Partitionists apparently take inclusion in the Moslem State for granted. Yet the population of Calcutta and its neighbourhood is predominantly Hindu. And this predominance is also unquestionably reflected in the cultural and commercial life of Calcutta.²⁵ The fourth great difficulty — the greatest difficulty of Pakistan and its gravest risk — lies in Defence. And he has shown that both Pakistan and North East India would find it impossible to maintain the security they enjoy at present and could only provide the minimum needs of defence by a fall in their standard of living and a sacrifice of social advancement.²⁶

III

So far I agree with Professor Coupland. But the scheme of Government he has outlined as a solution of the Indian problem is far from satisfactory. Some aspects of the scheme appear to me to be rather fantastic although ingenious. This does not mean however that there are no good points in the scheme. There are certainly some. For instance his views in regard to the necessity of provisions in our future Provincial Constitutions for safeguards of general political and cultural character as well as for statutory coalition Governments are very sound. As a matter of fact in December 1940 I had also made out²⁷ I believe a very strong case for the formation of coalition governments both at the Centre and in the Provinces of India as a partial solution of our political problem. And I

²⁵ *The Future of India* p. 88-89

²⁶ *Ibid.* pp. 91-98

²⁷ *Ibid.* Chapters VI and VII

²⁸ In my paper entitled *The Problem of Party Government in India* read before the Third Session of the Indian Political Science Conference held at Mysore in December 1940. The paper was published in the Conference Number (April-June 1941) of *The Indian Journal of Political Science*

still maintain as I had done then²⁹ that Government by a single party may be quite good in theory but that it is not suitable to the present circumstances of India. It will in effect be thanks to our electoral system Government by one particular community or another. And that will mean the virtual dictatorship of communal cabinets with all its concomitant evils.

In regard to Professor Coupland's suggestion³⁰ that the Swiss system of Executive Government should be introduced into the Indian Provinces all that I should like to state at this stage is that it deserves a serious consideration by our leaders. Personally speaking I am not very much enamoured of it. I should like to give an honest trial for say a period of ten years to the system of coalition governments both at the Centre and in the Provinces of India along with ministerial responsibility on the British lines especially in view of the fact that we have become to some extent at least familiar with the working of the parliamentary system of government in this country ever since the introduction of the Montagu Chelmsford Reforms. If however this plan does not work satisfactorily, we may later on go in for the Swiss system of Executive both for the Centre and for the Provinces.

I fully agree with Professor Coupland that the Indian Supreme Court should have at least the same power and prestige as the American's³¹ and that the Swiss model of Federal Judiciary should not be followed in India. But the most novel feature of his scheme of Government is what he calls economic regionalism. Briefly speaking it is as follows. Under a river basin scheme he would divide India into four Regions—

²⁹ See *ibid*

³⁰ See *The Future of India* Chapter VII

³¹ *Ibid* p 72

Indus, Ganges, Delta, and Deccan—"in two of which Hindus would predominate and in two Moslems. That would mean an even communal balance at a Centre based on the Regions"³² Thus there would be established a rough balance 'between two Hindu-majority and two Moslem-majority Regions'³³ As a consequence, there would be, apart from the machinery of local self-government three systems of Government in India, aptly characterized by Lord Hailey as a 'three-decker constitution'³⁴ the Provincial Governments, the Regional Governments, and an inter Regional Central Government. This Central Government would be in charge of only foreign affairs, defence, tariffs, currency, and, possibly, communications. But the Centre would be "a purely inter-Regional institution, and be regarded "as an agency the members of its executive and legislature would act as agents of their Regions"³⁵ That is to say, the so called 'representatives of the Regions would come to the Centre not on an all-India footing but solely as the agents of their Regions with mandates from their Governments and legislatures"³⁶ Thus they would be mere 'delegates' of their respective Regions, and "on any important issue they would all have to vote accordingly"³⁷ Unfortunately, Professor Coupland has not worked out the details of his scheme in his work. Had he done so, he could have realized the inherent defects of the scheme and the great difficulties they would give rise to in the course of its actual working. For instance, what would happen if, on a very important issue, legislative or executive, the 'delegates' or "agents" from the two Hindu-majority Regions differed dia-

³² *Ibid.*, p. 182 and Chap. X

³³ *Ibid.*, p. 123

³⁴ See *The Asiatic Review*, January 1944, p. 31

³⁵ *The Future of India*, p. 129

³⁶ *Ibid.*, pp. 162-83

³⁷ *Ibid.*, p. 134

metrically or fundamentally from those from the two Muslim majority Regions? How would the inter Regional Central Government properly function in such a situation? Would not its position be reduced to that of a cart with a horse hitched to each end both pulling in opposite directions? That would mean a dead lock. And such a situation will not be rare in a Central Government which is constructed so artificially as Professor Coupland has suggested and which will therefore be lacking in an organic unity and cohesion. It may be argued that in the event of a tie in the Central Executive or the Central Legislature as the case may be there will be the President to exercise his casting vote. True but the President himself will also be a delegate or agent from a Region. Moreover administrative or legislative business can not be carried on by a frequent exercise of the casting vote. Not only it will not conduce to the smooth working of the administrative machinery but it will also often lead to a serious situation in the country. Indeed in his anxiety to give a constitutional recognition to what has been very nicely called³⁸ the mathematics of communalism Professor Coupland has gone so far as to make the Centre both weak and, at times impotent. And regard being had to the past history of this country it may safely be asserted that such weakness at the Centre would ultimately prove fatal to the future well being of this country.

Further Professor Coupland has not explained what should be the relation between the Centre and the Regions the Regions and the Provinces of India and between the Centre and the Provinces. And this question too will involve many highly complicated issues. He has said³⁹ that Regionalism

³⁸ By Lord Hailey. See *The Asiatic Review* January 1944 p. 31

³⁹ *The Future of India* p. 130

'goes further than a Confederacy,' that "an inter-Regional Centre would be a Government", and that an inter-Regional union "would be more than a Confederacy, but less than a normal Federation" But, on a careful examination of all that he has said, it appears to me that his inter-Regional Union will be more like a Confederation than like anything else And a Confederation never works satisfactorily, that is a lesson of History It will not be otherwise here, and I have also shown before some of the inherent defects of his plan of the Central Government Indeed, Professor Coupland's scheme, taken as a whole, will not really solve our communal or constitutional problem, nor will it work at all satisfactorily The system of Regional Governments will be a cumbrous and superfluous addition 'to the already complicated structure of Indian government' It will be like the proverbial fifth wheel of a coach And there is no necessity for it either In the course of his lecture which has been referred to before, and the discussion that followed it, Professor Coupland is reported to have said, "Critics must remember that *somehow or other*⁴⁰ the problem of the Centre must be solved Otherwise the disruption of India is inevitable' Again "The sentiment behind Pakistan must be satisfied or India would be disrupted" Thus, in his anxiety to meet the claims of separatism—claims which are, on the face of it, extravagant, which have no adequate basis either in logic or reason, which have been materially influenced by the possibility of the transfer of power from the British to the Indian hands, and which are palpably absurd on economic, political, financial, ethnological and strategic grounds,⁴¹—he has devised a system of Government

⁴⁰ The italics are mine

⁴¹ Also see Coupland, *Indian Politics 1936-1942* pp 199-200

which will prove unworkable. Admittedly the Congress High Command committed some errors of judgment. Does that really justify any attempt on the part of any party or community to inflict a mortal wound on the body politic of India? But this is exactly what the demand for the partition of India actually amounts to. And if such an extravagant demand is made should any serious notice be taken of it by men in responsible position? If it is done it will simply be putting a premium upon all kinds of extravagance and will naturally tempt other parties or communities in the country to come forward with other extravagant claims. And this in its turn will make the party or community which first made the extravagant demand to make still more extravagant demands. Thus we shall ultimately be in a vicious circle. All the arguments which Professor Coupland has put forward in support of his scheme of Government really point to one conclusion namely the necessity of the establishment of a properly devised All India Federation composed of autonomous units with adequate statutory safeguards for all racial or religious minorities in India in respect of their economic political religious cultural administrative and other rights. A party or community in India may make some absurd or extravagant claims but as His Excellency the Viceroy has rightly said no man can alter geography. As I have stated in another connexion⁴² if it has been possible for the Germans the French and the Italians—by no means always friends outside—to live in peace and harmony in the Swiss Federation for the French and the English in the Canadian Federation and for a number of nationalities in the Federation of the United States of America it is also quite possible for the different

⁴² See *The Modern Review* Calcutta June 1915 p. 480 also Appendix H

nationalities of India to live in peace and harmony within one political union like an All India Federation. The right solution of the Indian problem therefore lies in the creation of an All India Federation on proper line --and not in any partition of India as envisaged by the Muslim League nor again, in any regionalism as suggested by Profes or Coupland

APPENDIX A

THE LAHORE RESOLUTION OF THE MUSLIM LEAGUE, ADOPTED IN MARCH, 1940¹

Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles viz that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North Western and Eastern zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign That adequate effective and mandatory safeguards should be specifically provided in the Constitution for minorities in the units and in the regions for the protection of their religious cultural economic political administrative and other rights and interests in consultation with them and in other parts of India where the Muslims² are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the Constitution for them and other minorities for the protection of their religious cultural economic political administrative and other rights and interests in consultation with them

'This Session further authorizes the Working Committee to frame a scheme of Constitution in accordance with these

¹ From the official resolution on the constitutional problem adopted by the All India Muslim League at its 27th Session held at Lahore in March 1940 (see *Star of India* of March 26th 1940 Dak Edition)

There are some slight verbal differences particularly in respect of punctuation marks in the different versions of this resolution I have so far seen These differences however are not on any material points

² In some versions of the resolution this word is 'Mussalmans'

basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary."

APPENDIX B

EXTRACTS FROM MR C RAJAGOPALACHARI'S STATEMENT AND HIS COMMUNAL FORMULA*

My efforts to secure Mr Jinnah's powerful help in pushing through an honourable settlement of the communal question have reached a stage when the public have to be taken into confidence. The public will note from the correspondence now published that I had secured Gandhiji's personal approval even during his fast in February-March last year for the formula that I am now releasing. All parties may judge the formula on its merits. I felt that it was futile to allow Mr Jinnah if he could not himself wholeheartedly back it, to put my proposal before the Muslim League. Let the League and all who are interested in the solution of the problem apply their minds to the question dispassionately and in the interests of the whole country.

Needless to say I am taking the public into confidence with Gandhiji's full approval. Both he and I have approached the question in no bargaining spirit. The formula may now be regarded as our joint contribution to the solution of the communal problem and dealt with as such.

Basis for terms of settlement between the Indian National Congress and the All India Muslim League to which Gandhiji

* Issued from Panchgani on 9th July, 1944

and Mr Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve

- (1) Subject to the terms set out below as regards the constitution for Free India the Muslim League endorses the Indian demand for Independence and will co operate with the Congress in the formation of a provisional interim Government for the transitional period
- (2) After the termination of the war a commission shall be appointed for demarcating contiguous districts in the north west and east of India wherein the Muslim population is in absolute majority. In the areas thus demarcated a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan such decision shall be given effect to without prejudice to the right of districts on the border to choose to join either State
- (3) It will be open to all parties to advocate their points of view before the plebiscite is held
- (4) In the event of separation mutual agreements shall be entered into for safeguarding defence and commerce and communications and for other essential purposes
- (5) Any transfer of population* shall only be on an absolutely voluntary basis
- (6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India

APPENDIX C

MR RAJAGOPALACHARI'S RESOLUTION (WHICH WAS REJECTED BY THE A I C C AT ALLAHABAD ON 2ND MAY 1942) *

The All India Congress Committee notes with deep regret that the attempts to establish a National Government for India to enable her to face the problems arising out of the present grave situation have failed and that as a result of this, Nationalist India has been placed in a dilemma. It is impossible for the people to think in terms of neutrality or passivity during an invasion by an enemy power. Neither is it practicable to organize an effective defence independently and unco-ordinated with the defence measures of the Government. It is absolutely and urgently necessary in the best interests of the country at this hour of peril to do all that Congress can possibly do to remove every obstacle in the way of (the) establishment of a national administration to face the present situation and therefore inasmuch as the Muslim League has insisted on the recognition of the right of separation of certain areas from United India upon the ascertainment of the wishes of the people of such areas as a condition precedent for united national action at this moment of grave national danger the A I C C is of opinion that to sacrifice the chances of the formation of a National Government at this grave crisis for the doubtful advantage of maintaining a controversy over the unity of India is a most unwise policy and that it has become necessary to choose the lesser evil and acknowledge the Muslim League's claim for separation should

* This resolution had been moved by Mr C. Rajagopalachari and seconded by Mr K. Santanam. The A I C C rejected it by a majority of 120 votes against 15. It appears that Mr K. Santanam had originally given notice of this resolution but that the President of the A I C C had allowed Mr Rajagopalachari to move it.

the same be persisted in when the time comes for framing a constitution for India, and thereby remove all doubts and fears in this regard and to invite the Muslim League for a consultation for the purpose of arriving at an agreement and securing the installation of a National Government to meet the present emergency.'

APPENDIX D

THE DECLARATION OF 8TH AUGUST 1940*

India's anxiety at this moment of critical importance in the world struggle against tyranny and aggression to contribute to the full to the common cause and to the triumph of our common ideals is manifest. She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government are deeply concerned that that unity of national purpose in India which would enable her to do so should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorized me to make the present statement.

Last October His Majesty's Government again made it clear that Dominion Status was their objective for India. They added that they were ready to authorize the expansion of the Governor General's Council to include a certain number of representatives of the political parties and they proposed the establishment of a consultative committee. In order to

* Issued by the Governor General of India with the authority of His Majesty's Government. See L. S. Amery *India and Freedom* Oxford pp 123-25 also R. Coupland, *Indian Politics* 1936-1940 Oxford pp 333-35, also *Amrita Bazar Patrika* of 8th August, 1940.

This Declaration is popularly known as the August Offer.

facilitate harmonious co-operation it was obvious that some measure of agreement in the Provinces between the major parties was a desirable pre requisite to their joint collaboration at the Centre. Such agreement was unfortunately not reached and in the circumstance no progress was then possible.

During the earlier part of this year I continued my effort to bring the political parties together. In these last few weeks I again entered into conversation with prominent political personages in British India and the Chancellor of the Chamber of Princes the results of which have been reported to His Majesty's Government. His Majesty's Government have seen also the resolutions passed by the Congress Working Committee the Moslem League and the Hindu Mahasabha.

It is clear that earlier difference which had prevented the achievement of national unity remain unbridged. Despite this His Majesty's Government regret that they do not feel that they should any longer because of those differences postpone the expansion of the Governor General's Council and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government. They have authorised me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorised me further to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of the Indian States and of other interests in the national life of India as a whole.

The conversations which have taken place and the resolutions of the bodies which I have just mentioned made it clear however that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India and that there is doubt too as to whether the position of minorities whether political or religious is

sufficiently safeguarded in relation to any future constitutional change by assurances already given. There are two main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of minorities in any revision has also been brought out. That remains the position of His Majesty's Government.

It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations the new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire and wish to see it given the fullest practical expression subject to the due fulfilment of the obligations which Great Britain's long connexion with India has imposed on her and for which His Majesty's Government cannot divest themselves of responsibility. It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional

issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution and they will lend every aid in their power to hasten decision on all relevant matters to the utmost degree. Meanwhile they will welcome and promote in any way possible every sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement first upon the form which the post-war representative body should take and the method by which it should arrive at its conclusion and secondly upon the principles and outline of the Constitution itself. They trust however that for the period of the war with the Central Government reconstituted and strengthened in the manner I have described and with the help of the War Advisory Council) all parties, communities and interests will combine and co-operate in making a notable contribution to the victory of the world cause which is at stake. Moreover they hope that in this process new bonds of union and understanding will emerge and thus pave the way toward the attainment by India of that free and equal partnership in the British Commonwealth which remains the proclaimed and accepted goal of the Imperial Crown and of the British Parliament.

APPENDIX E.

THE PRIME MINISTER'S STATEMENT IN THE HOUSE OF COMMONS ON 11TH MARCH 1942 AND THE DRAFT DECLARATION OF 1942*

(1) THE PRIME MINISTER'S STATEMENT

The crisis in the affairs of India arising out of the Japanese advance has made us¹ wish to rally all the forces of Indian life to guard their land from the menace of the invader. In August 1940 a full statement was made about the aims and policy we are pursuing in India. This amounted in short to a promise that as soon as possible after the war India should attain Dominion status in full freedom and equality with this country and the other Dominions under a Constitution to be framed by Indians by agreement among themselves and acceptable to the main elements in Indian national life. This was of course subject to the fulfilment of our obligations for the protection of minorities including the depressed classes and of our treaty obligations to the Indian States and to the settlement of certain lesser matters arising out of our long association with the fortunes of the Indian sub continent.

However Sir in order to clothe these general declarations with precision and to convince all classes races and creeds in India of our sincere resolve the War Cabinet have agreed unitedly upon conclusions for present and future action which if accepted by India as a whole would avoid the alternative dangers of either that the resistance of a powerful minority

* See R. Coupland *Indian Politics 1938-1942* Oxford pp. 330-337 also *The Statesman Calcutta* of March 13th 1942 (Dak edition) also L. S. Amery *India and Freedom* Oxford pp. 190-28 also *Amrita Bazar Patrika* of March 13th and March 30th 1942.

¹ In one version this word is Britain.

might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which would be resisted to a point destructive of internal harmony and fatal to the setting up of a new Constitution. We had thought of setting forth immediately the terms of this attempt by a constructive British contribution to aid India in the realisation of full self government. We are however apprehensive that to make a public announcement at such a moment as this might do more harm than good. We must first assure ourselves that our scheme would win a reasonable and practical measure of acceptance and thus promote the concentration of all Indian thought and energies upon the defence of the native soil. We should ill serve the common cause if we made a declaration which would be rejected by the essential elements in the Indian world and which would provoke fierce constitutional and communal dispute at a moment when the enemy is at the gates of India.

Accordingly, we propose to send a member of the War Cabinet to India to satisfy himself upon the spot by personal consultation that the conclusions upon which we are agreed and which we believe represent a just and final solution will achieve their purpose. My Right Hon. and learned Friend the Lord Privy Seal and Leader of the House has volunteered to undertake this task. He carries with him the full confidence of His Majesty's Government and he will strive in their name to procure the necessary measure of assent not only from the Hindu majority but also from those great minorities amongst which the Moslems are the most numerous and on many grounds pre eminent.

The Lord Privy Seal will at the same time consult with the Viceroy and the Commander in Chief upon the military

² In one version this word is "prominent."

situation, bearing always in mind the paramount responsibility of His Majesty's Government, by every means in their power, to shield the peoples of India from the perils which now beset them. We must remember that India has a great part to play in the world's struggle for freedom and that her helping hand must be extended in loyal comradeship to the valiant Chinese people who have fought alone so long. We must remember also that India is one of the bases from which the strongest counter blows must be struck at the advance of tyranny and aggression.

My Right Hon. Friend will set out as soon as convenient and suitable arrangements can be made. I am sure he will command in his task the heartfelt good wishes of all parts of the House, and that, meanwhile, no word will be spoken or debates held, here or in India which would add to the burden he has assumed in his mission, or lessen the prospects of a good result. During my Right Hon. and learned Friends' absence from this House, his duties as Leader will be discharged by my Right Hon. Friend the Foreign Secretary."

(2) THE DRAFT DECLARATION OF 1942*

(The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has brought with him for discussion with Indian Leaders and the question as

* Sir Stafford Cripps had brought this Draft Declaration to India with him for discussion with Indian leaders. It embodied the conclusions of the British War Cabinet in regard to India. It was published on March 30th 1942. In view however of the opposition which the Draft Declaration evoked in India, "the declaration was never issued as such." See L. S. Amery *op cit*, p. 126.

According to Professor Coupland (*The Cripps Mission* Oxford, p. 27) Sir Stafford decided to make the Draft Declaration public at his fourth press conference held at Delhi on March, 29th 1942.

to whether they will be implemented will depend upon the outcome of the discussions which are now taking place)

His Majesty's Government having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and the other Dominions by a common allegiance to the Crown but equal to them in every respect in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration —

- (a) Immediately upon the cessation of hostilities steps shall be taken to set up in India in the manner described hereafter an elected body charged with the task of framing a new Constitution for India
- (b) Provision shall be made as set out below for the participation of the Indian States in the constitution making body
- (c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to

- (i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position provision being made for its subsequent accession if it so decides

With such non acceding Provinces should they so desire His Majesty's Government

- will be prepared to agree upon a new Constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down
- (u) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands. It will make provision in accordance with the undertakings given by His Majesty's Government for the protection of racial and religious minorities but will not impose any restriction on the power of the Indian Union to decide in the future its relation (relationship) to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

- (d) The constitution making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities.

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities the entire membership of the Lower Houses of the

Provincial Legislatures shall as a single electoral college, proceed to the election of the constitution making body by the system of proportional representation. This new body shall be in number about one tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to the total population as in the case of the representatives of British India as a whole and with the same powers as the British Indian members.

- (e) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war effort but the task of organising to the full the military moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

APPENDIX F

THE PATAGOPALACHARI FORMULA AND THE CONGRESS *

Even since the publication of the mischievous communal formula of Mr C Rajagopalachari a set of people as well as some new papers have been carrying on a misleading propaganda that the formula is quite in consonance with the creed and policy of the Indian National Congress. Evidently the object of this propaganda is to exploit our national sentiments toward the Congress for the purpose of ensuring public support to the formula. Even those who ought to know better and from whom the country expects a correct lead have either intentionally or unintentionally been a party to this propaganda. As will appear from what follows the formula is definitely against the declared object and policy of the Congress.

Article 1 of the Constitution of the Congress as amended in 1939 says

The object of the Indian National Congress is the attainment by the people of India of Purna Swaraj (Complete Independence) by all legitimate and peaceful means.

This object undoubtedly envisages the attainment of independence by the people of India as a whole as a single political entity and not by the people of a truncated India nor again by the peoples of India partitioned or divided into a number of sovereign and independent fragments or broken at a number of points by a chain of Ulsters. No amount of

* Orignall published *The Modern Review* of October 1944. It is practically a summary of Part I of the second Article in the text. It has had to be inserted here as reference has been made to it in another Article in the text.

casuistry or sophistry or mystification on the part of anybody however great can make the object imply anything else

Now it may be and has actually been argued that whatever might have been the object of the Congress its Working Committee declared in the course of its resolution published at New Delhi on 11th April 1942

The Committee cannot think in terms of compelling the people in any territorial unit to remain in any Indian Union against their declared and established will'

Even if we assume for the sake of argument that the resolution of the Working Committee was consistent with the object of the Congress—which I doubt very much—and that it countenanced in certain circumstances partition or separation or secession it does not mean anything. The reason is that the effect of this resolution has been completely neutralized and nullified by the action subsequently taken by the A I C C (All India Congress Committee). Here I should like to refer before I proceed further to a constitutional point. Under Article XX of the Constitution of the Congress the Working Committee consists of fifteen members including the President of the Congress and a Treasurer. Of these fifteen members thirteen are appointed by the President from among the members of the A I C C. Besides the Working Committee is the executive authority and it is empowered to carry into effect the policy and programme laid down by the A I C C and the Congress. It has certainly no power to act against that policy and programme. Moreover it is responsible to both the A I C C and the Congress and is required to place before every meeting of the A I C C the reports of its proceedings. Speaking constitutionally the cumulative effect of all these, and particularly the use of the expression respon-

sible in this context is that the Working Committee is subordinate to the A I C C which can undo what the former has done. It is in a sense a Committee of the A I C C and an agent of the latter. As its master and official superior the A I C C may therefore with unquestionable constitutionality set aside or repudiate any action or decision taken by the Working Committee.

Now notwithstanding the New Delhi resolution of the Working Committee to which I have referred above on 2nd May 1942 during its Allahabad session the A I C C rejected by 120 votes against 15 a resolution of Mr Rajagopalachari conceding the claim of the Muslim League to separation¹ but adopted the following counter resolution of Mr Jagatnarain Lal by 92 votes against 17.

The A I C C is of opinion that any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be *highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress therefore cannot agree to any such proposal*.

Again on 8th August 1942 the A I C C adopted in its Bombay session a resolution which is now well known and which contained among other things a declaration which definitely envisaged a federal form of government more or less on the American lines for the whole of India with the maximum of autonomy for the constituent units and the residuary powers vesting in them. It did not at all countenance any partitioning of India.

It is clear from what I have shown above that the resolution of the Congress Working Committee adopted at New Delhi

¹ See Appendix C

early in April 1942 has been completely neutralized and nullified by the resolutions of the AICC subsequently adopted by the latter in its Allahabad and Bombay sessions. In view of all this it is not correct to state that the Rajagopalachari formula is consistent with the object and policy of the Congress. Indeed it is not only *anti-national*, but also *anti-Congress*. It is a *negation* nay a *betrayal* of the ideal which the Congress has placed before itself during the last sixty years of its existence.

APPENDIX G

LORD LOTHIAN AND THE FEDERATION OF INDIA¹

Lord Lothian is reported to have declared at Karachi on his way to Australia:

I believe that the present Constitution can be steadily amended and developed to meet the consensus of Indian opinion as to what its cultural and constitutional needs are. But the evils which some fear will follow from taking the existing Act as the basis for evolutionary changes are nothing to those which would follow a breakdown of Indian unity itself. That is why I am still convinced that it is in the best interests of India to bring the Federal part of the Constitution despite its defects into operation and then set to work to revise it in the light of experience rather than imperil the unity of India by reopening the whole constitutional issue especially as so far there seems to be no general agreement as to

¹ This statement by the present writer was published in *The Amrita Bazar Patrika* of 23rd August 1939 (Dad Edition). Some of the apprehensions expressed in it have unfortunately proved true.

the alternative before any advance beyond Provincial Autonomy is made

Lord Lothian's sympathy with the aspirations of the Indian national movement is well known and his views therefore on the subject of Indian Federation should not be dismissed in a light hearted manner as unworthy of careful consideration. Particularly in the last sentence quoted above he appears to have spoken sound sense. Recently there has been a good deal of discussion of and even a certain amount of controversy over the question whether or not India should refuse to work the Federal part of the New Indian Constitution. And it seems that in a year or two we shall have got to grips with this question. Curiously enough the attitude of the Congress towards the question so far does not seem to be at variance with that of the League although it is well known that the motive behind the Congress hostility towards the Federal scheme as embodied in the Government of India Act 1935 is different from that which has actuated the opposition of the League to the same. One of the foremost leaders of the League has been hostile to the Federal idea from the beginning because of the possibility of Hindu domination at the Centre resulting from the numerical majority of the Hindus in the population of India. And many people apprehend that although actuated by a different motive the Congress may unwittingly play into the hands of such men.

Those who have closely followed the recent discussion of the question whether India should work the Federal part of the New Constitution must have noticed that too much emphasis has been laid by those who have taken part in the discussion upon the defects of the Federal scheme considered from the standpoint of democratic principles and that the great conception of an All India Federation as an immediate possi-

lity, and not merely an ideal for the future, has been relegated to a secondary position. To my mind the prospect of an All India Federation as an immediate possibility must dominate everything, and be in the forefront of the picture. And we should keep this steadily and firmly in mind and in speech. The questions of reservations and safeguards in the Federal scheme, the mode of composition of the Federal Legislature and even matters like the provisions in the Constitution Act for the prevention of (a) administrative and legislative discrimination against British commercial interests and British trade in India and (b) discrimination against British imports into India, and the provisions in the Act relating to popular control over the central finance—questions undoubtedly of great importance to the future of this country—should not be permitted to deflect our mind from the goal of the attainment even in an imperfect form at the initial stage, of the ideal of an All India Federation. We should not forget the constitutional history of Modern Germany in this connexion. The Indian States comprise to-day over two-fifths of the area of India and it has been rightly said that no satisfactory solution of the Indian problem is even conceivable without them. It must not be forgotten that there is an essential unity pervading the whole of India and that we, in both British and Indian India, have a common heritage. The accidents of history have brought the States into being and left them with their antediluvian political systems and obscurantist traditions. They must not be left out of any scheme of reconstruction of the future Government of India. They must therefore be somehow brought within the orbit of the Indian Nation. Only then they will play their part well, along with British India, in shaping the future destiny of our common Motherland. The real merit of the Federal scheme, in spite of its many grave

defects and anomalies lies in an attempt at realising perhaps for the first time in the history of this country this fundamental unity of India as a whole in spite of its infinite variety of interests by bringing the territories now under the Princes into a closer and more intimate contact with British India for the service of the country. Indeed the declaration of the Princes in the First Session of the Indian Round Table Conference in favour of an All India Federation at once will always be regarded as a turning point in the constitutional history of India under British rule and their actual entry into the Federal scheme will undoubtedly be a factor of incalculable significance to the future of this country. And once these States come into a close constitutional relationship with self governing British Indian provinces their mediaeval autocratic institutions will begin to crumble away and in a decade or two we shall find that their Princes have become constitutional Rulers. This process has already begun and those who can read the signs of the times can have no doubt that it will be accelerated with the inauguration of an All India Federation. *India is a single geographic unity and it must be made a single unit politically.* And we in British India must take every conceivable step for hastening this consummation through the institution of an All India Federation. Defects and anomalies in the Federal scheme are bound to disappear in a few years even if the scheme is brought into operation as it is. But it would be a height of folly on our part if we let slip this golden opportunity created by the Princes by their own solemn declaration in November 1930 in favour of an All India Federation at once and their subsequent reiteration of their adherence to the Federal plan of uniting the two Indias into a definite although imperfect for the time being scheme of Federal Union. And if this opportunity is now allowed to be lost the divisions

in India produced by the accidents of history will be perpetuated. There is a risk of losing this opportunity if the whole constitutional issue is reopened now. And we must not forget that the Princes are still deliberating and have not yet finally committed themselves to the acceptance of the Federal scheme. If the whole issue were reopened now they might attempt to back out of their previous declaration under one plea or another. And we cannot now artificially create at our will a psychological moment like the one when the declaration was made in November 1930. Lord Lothian has in his statement called our attention to this risk. Unfortunately many of our politicians concentrate their attention too exclusively upon the constitutional progress of British India just as though that were a separate nation proceeding alone to a national destiny. They often fail to rise to the conception of an All India Federation and think too much in terms of British India alone leaving the States out of account till a remote future. Their outlook seems to be very narrow and their policy shortsighted. And however genuine may be their love for the country their political wisdom is to be doubted and they betray by their utterances and other activities a deplorable lack of foresight and statesmanship. They think with the crowd and say just what is likely to please it. Thus instead of leading it they often allow themselves to be led by it. Their eyes are fixed too near the ground to see the horizon. And if they succeed in achieving their objective they will to quote the words of *The Times* (London) uttered on 14th November 1930 in another connexion reproduce on a gigantic scale the partition of Ireland an Ireland moreover not merely clean divided in two but broken at every point by a chain of Ulsters. We must take the big All India view of the whole constitutional issue.

So far as the objectionable features of the Federal Scheme are concerned, our leaders must certainly agitate for their removal. For instance we must agitate for the replacement of that undemocratic, corruption engendering, and intrigue fostering indirect system of election to the Lower House of the Federal Legislature by direct election. We must also agitate for securing a more effective form of popular control over Federal finance, for the repeal or at any rate for a substantial modification of the provisions in the Constitution Act for the prevention of commercial discrimination, and for ensuring that the representatives from the States in the Federal Legislature are really the representatives of the people of the States and not the nominees of their Rulers. In this connexion I cannot, however, help remarking that too much fuss has been made of the question that under the Federal plan the representatives of the States will be the nominees—and, therefore, the servile instruments—of their Rulers. This latter thing is certainly unfortunate as well as the heavy weightage that has been given to the States in respect of their representation on the Federal Legislature. Perhaps these inducements had to be offered to their Princes as a matter of expediency. And we must not forget that in Politics whatever is theoretically right from an abstract standpoint may not be always politically expedient in practice. Even if the State representatives act at the dictation of the Princes to begin with, they will not long do so. Moreover, they will be in a minority in both the Houses of the Federal Legislature—their maximum number being 104 in the Upper House as against 156 British Indian representatives, and 125 in the Lower House as against 250 representatives from British India. If the British Indian representatives who will thus be in a majority in both the Houses present a solid, united front, they will have their way in regard to every matter. We,

of British India, should not therefore adopt a defeatist attitude over this question, however strongly we may feel against it

Lastly I should like to observe that in fighting for the removal of the defects of the Federal scheme and in carrying on an incendiary propaganda therefor we must not lose sight of the more important issue namely the realisation even in a partial form at the beginning of the glorious vision of a powerful All India Federation That must be our goal—not a 'truncated Dominion' but a complete All India Dominion Strategy and tactics are certainly useful in a political warfare as in an actual warfare But they are only a means to an end Sometimes details have got to be sacrificed however strongly we may feel for them We must not forget this Nor should we forget matters of vital concern to the future of this country in our insistence on things of ephemeral interest which are after all bound to pass away in a few years In this connection I cannot help remarking that if in her struggle for freedom India has need to day of the intransigent policy of a Bose or a Jawaharlal she has perhaps a greater need at the present moment of the guidance of the mature judgment political sagacity and the courageous and constructive statesmanship of a Das or a Mptilal We must always keep in mind that the Indian problem is infinitely more complex and infinitely more stupendous than any that ever faced man in any country and that the setting up of a satisfactory system of Government for the whole country will require a capacity of the highest type of political engineering Fortunately the great helm-man of Indian affairs to day has so far maintained discreet silence in regard to the question of the acceptance by India of the Federal scheme and not committed himself to any definite view in one way or another This is very significant

The Manchester Guardian has recently remarked that if it had been possible for the members of Parliament to foresee the skill with which the Provincial Ministers have functioned they might have drafted federation differently that it would now be only just for Britain to admit that the proposed federation has its possibilities and drawbacks that it is intensely disliked by the most politically conscious Indians and that there must be a compromise of some sort if India is not to witness another disastrous trial of strength Britain would do well to pay heed to these wise words

Let us all hope that both British statesmanship and Indian nationalism will having regard to the hard realities of the Indian political situation to day ultimately rise above pettinesses and meet on a common ground and that a false sense of prestige on either side will not stand in the way of a happy solution of the problem that faces them both

APPENDIX H

EXTRACTS FROM A REVIEW¹ OF *Thoughts on Pakistan* 1941 BY DR B R AMBEDKAR

* * *

The author says that his aim is to expose (*sic*) the scheme of Pakistan in all its aspects and not to advocate it to explain and not to convert (pp 10 11) But actually he has not only advocated Pakistan again and again he has also given repeated warnings to the Hindus as to what happen to them if they did not agree to it As a matter of fact he has manipulated all his arguments with a view to making out a case for Pakistan His scheme of Pakistan however is as

¹ This review by the present writer was originally published in *The Modern Review* (pp 458 60) of June 1943

we shall show later on somewhat different from that of Mr Jinnah and his immediate followers in respect of some details. But the underlying principle is the same in both the cases.

In connexion with the merits of the work we must mention the admirable boldness and straightforwardness which the author has shown in stating some of his views. In this he does not mince matters nor does he spare anybody, however high or great. And we fully agree with him in what he says in regard to (i) the ever growing catalogue of the Muslims political demands (pp 24-66) (ii) the Lucknow Pact and the Communal Award (pp 95-102) (iii) the spirit of exploiting the weakness of the Hindus as shown by the Muslims (pp 266-67) (iv) the adoption by the Muslims of the gangsters methods in politics and its reaction in the shape of gangsterism by the Hindus (p 267) (v) the British policy in relation to the Muslim demands (p 98) (vi) the system of communal hostage (p 104) and lastly the Congress policy of appeasement and its deplorable consequences on Indian politics. The author is perfectly right when he says (p 102) 'To allow a communal majority to rule a minority without requiring the majority to submit itself to the sufferings of the minority especially when the minority demands it is to enact a perversion of democratic principles and to show a callous disregard for the safety and security of the Hindu minorities.' He is equally right when he observes (p 100)

The separate electorates for the Hindu majorities in the Hindu provinces are not a matter of their choice. It is a consequence resulting from the determination of the Muslim minorities who claimed to have separate electorates for themselves. His analysis in this connexion is both penetrating and original.

We cannot agree, however, with the interpretation which the author has put on the much abused principle of self

determination (pp 4-5) "The Muslims," the author solemnly declares, cannot be deprived of the benefit of the principle of self determination. All right Will the author apply the same principle of self determination to the Hindu and Sikh minorities in all the predominantly Muslim areas? In equity he must. And what will be the effect of all this on the political system of this country? The author should have borne in mind that "the right of self-determination is" as Lord Curzon once remarked in 1923, "like a two edged sword and can be admitted only with reservations." The principle of self determination is to be applied to a country as a whole and not to any section of its population. Otherwise there would be disintegration which would make it impossible to set up any stable organized and civilized government in the country.

The author's arguments based on financial considerations (pp 79 and 63-65) are thoroughly misleading. As a matter of fact we have found that they have actually misled some unwary people who cannot think for themselves. In regard to the figures of revenue raised by the Central Government from the Central sources in different provinces the author should have known what the authors of the Montagu Chelmsford Report pointed out (para 203) long ago, "In the case of ramifying enterprises with their business centre in some big city the province in which the tax is paid is not necessarily the province in which the income was earned." This statement applies particularly to Taxes on Income collected at Calcutta and in other parts of Bengal. The head office of a business firm or a plantation may be in Bengal but the actual firm or the plantation may be, and often is located outside of the province. Similarly in regard to the import duties. Such duties may be collected in Bengal, say, at Calcutta, but a considerable part of the commodities on which they are levied

is actually consumed in areas outside of this province such as Assam Bihar the U P etc. Many people glibly argue that in the event of the division of India into Hindustan and Pakistan as contemplated by the Muslim League Calcutta will continue to be the port through which goods meant for consumption in Hindustan areas will pass and that the head offices of business firms etc operating in those areas will continue to be located at this city. The Government of Hindustan will not be so foolish as to permit all this. This argument also applies to Karachi. It is evident therefore that the same amount of total revenue cannot be raised in Sind and Bengal for instance in the event of the proposed partition of India as is raised to day from these provinces by the Central and Provincial Governments. These arguments may also be applied *mutatis mutandis* to other proposed Pakistan areas. Our author did not in his haste and anxiety to make out a case for Pakistan think it necessary to go into all these details.

The author sometimes uses political terms very loosely. Certainly the authors of the Partition of Bengal did not intend to create a Muslim State in Eastern Bengal (p 20). The new Province of Eastern Bengal and Assam was not meant to be absolutely independent of any Central Government of India and its creation was not the same thing as the establishment of Pakistan in Eastern India. Again the separation of Provinces on a linguistic basis as contemplated by the Congress (p 22) is an altogether different thing from the division of India into Hindustan and Pakistan as advocated by the Jinnahites. The Congress never meant to make the Provinces so created on the linguistic basis sovereign and absolutely independent of any Central Government of India of the future. These analogies are not only misleading but are also false and mischievous.

In discussing the essential elements of a nation nationality etc (Chap II) the author has not obviously with a view to the object he had in mind practically given any importance to such factors as community of race community of language community of economic interests geographic unity considerations of political expediency and military strategy. The one factor that counts with him is community of religion and all that it implies. The author does not appear to be familiar with the modern distinction between a nation and a nationality. There can be no nation unless the people concerned has become politically organized. As T H Green says the nation underlies the State. There can therefore be no nation in India to day as there is now no Indian State. The Indian nation is in the making. The different communities in India are only different nationalities as there are different nationalities in Switzerland Great Britain Canada South Africa and in the U S A. The author would do well to note in this connexion the views of such eminent writer as Lord Bryce J Holland Rose Laveleye and Hayes. Renan's is not the last word on the subject.

The author's arguments in Chapter V are based on a wrong conception regarding the communal composition of the Indian army. He has said that the Indian Army to day is predominantly Muslim in its composition. Sir Jogendra Singh Member of the Executive Council of the Governor General of India removed this misconception in the course of a statement made by him in the Council of State on 24th September 1940. He said "May I take this opportunity of mentioning that Mr Jinnah was wrong. *Muslim representation in the Army stands at 32 per cent and the others provide the remaining 68 per cent*". This is very significant.

² The italics are mine

The author's remarks against the high caste Hindus and his views about the real ground of opposition to the Partition of Bengal (pp 117-120) are most wicked and perverse. They seem to betray an unfortunate mental complex from which he may presumably be suffering. It appears that he cannot think except in terms of pounds, shillings and pence. And according to him other people too cannot act actuated by a higher sense of values. That is the reason why he cannot also appreciate the real ground of opposition to what has been aptly called the proposed vivisection of India. His sense of values cannot possibly rise to the spiritual height of this opposition. It seems that he is incapable of it.

According to the author it is no use saying that the Congress is not a Hindu body. The only difference between the Congress and the Hindu Mahasabha is that the latter is crude in its utterance and brutal in its actions while the Congress is politic and polite. But apart from this difference of fact there is no other difference between the Congress and the Hindu Mahasabha (p 41). In regard to the *mass contact* plan of the Congress he observes that in essence it was the plan of the British Conservative Party to buy Labour with Tory Gold (pp 344-45). These are some of the samples of the sweeping nature of the author's statements. There are many such statements in the book.

Now to the central subject of the book. The author has supported Pakistan in principle and given a scheme of Pakistan of his own. According to his scheme (p 64) some portion (13 districts) of the Punjab is to be excluded from the scheme of Pakistan as envisaged by the Muslim League. Similarly some portion (15 districts) of Bengal is to be excluded from the proposed Eastern Muslim State although a district from Assam may have to be added to it. Nevertheless he has

advocated the partition of India into Hindustan and Pakistan as a solution of the Indian problem and thus accepted in principle the idea of a watertight division of this country. And he has seriously suggested a large scale exchange of population between Hindustan and Pakistan so that these two States may be homogeneous in respect of their respective population. A very simple solution indeed. Our author has not considered it necessary to take into account in this connexion the miseries and sufferings to which will be subjected the many millions of Hindus and Muslims who will be practically compelled to leave their ancestral homes for strange places and environment and perhaps to forget also their mother tongue. And why all this trouble? Just to satisfy the whims of a few communalists who change their views on Indian political questions & the author has himself shown almost from year to year. It appears to us that no man in his senses can make such a proposal seriously. Indeed the idea of the compulsory removal of millions of Hindus and Muslims from their ancestral homes just to satisfy the whims of some Muslim communalists is as absurd and impracticable as the idea of some Hindu communalists who seriously maintain that since India has been known for ages as Hindustan it belongs to the Hindus alone and that its Muslim population must therefore either submit to Hindu domination or be made to leave this country big & baggage for Afghanistan Persia Arabia etc. The author has referred in this connexion to the cases of Turkey Greece and Bulgaria. The number of persons involved in those countries was practically nothing compared with the number which would be involved in India. Even then there was no end to the sufferings of the people of those countries who had to migrate. In this connexion we would advise the author to read Sir Alfred Watson's article entitled *The*

Rejected Plan for India published in *The Asiatic Review* of July 1949

The shifting of population being not at all a practicable proposition the problem of minorities will remain unsolved even in the event of the partition of India into Hindu tan and Pakistan. That will lead to a perpetual trouble either on actual or on imaginary ground between them. This in its turn may lead on to a war between them terminating in the conquest of the proposed Eastern Muslim State by Hindu tan in collusion with the Hindu population of the former and perhaps in an invasion of India by some foreign Muslim States on the invitation of the Muslim State on the North West of India. Pakistan therefore will be no solution of the Indian problem. And we must not also forget the warning of *The Federalist*. He who hopes that independent neighbouring states can live in perpetual harmony with one another is a utopian dreamer who knows neither life nor history. Those who think that the creation of two or more independent political Union would lead to peace in this country are such utopian dreamers who know neither life nor history.

The author has with a view to producing effect on the reader's mind unnecessarily exaggerated our differences. For instance he writes on page 246 in connexion with the question of relationship between Hindus and Muslims. They (the Hindus and Muslims) meet to trade or they meet to murder. They do not meet to befriend one another. When there is no call to trade or when there is no call to murder they cease to meet. This is a gross exaggeration—and a perversion of truth. Even Mr Jinnah did in the course of his evidence before the Parliamentary Joint Select Committee on the Government of India Bill admit on 15th August 1949 in

reply to question 3813 put to him by Major Ormsby Gore
In India the Mohammedans have very few things really which you can call matters of special interest for them—I mean secular things (Minutes of Evidence 1919 p 225 The italics are ours) The author has also noted this (p 316) Certainly things could not have changed since in fundamental matters

With a view perhaps to the same end the author has given a long catalogue (pp 158 80) of Hindu Muslim riots which occurred in India during the period from 1920 to 1940 He has compiled it from official sources He might have spared the reader this narration It does not prove much In a population of nearly four hundred millions some troubles are bound to occur occasionally If riots develop and spread it is largely due to the fact—and those who have experience of such riots would bear this out—that law is not enforced at the initial stage with the utmost vigour and with the strictest impartiality Sometimes local officials allow themselves to be guided by mean political considerations and a wicked spirit of vendetta against one community or another And had not Mr Jinnah also stated before the Joint Select Committee on 13th August 1919 in reply to question 3854 put to him by Mr Bennett If you ask me very often these riots are based on some misunderstanding and it is because *the police have taken one side or the other* and that has enraged one side or the other I know very well that in the Indian states you hardly ever hear of any Hindoo Mohammedan riots and I do not mind telling the Committee without mentioning the name that I happened to ask one of the ruling Princes How do you account for this? and he told me As soon as there is some trouble we have invariably traced it to the police through the police taking one side or the other and the only remedy we

have found is that as soon as we come to know we move (sic) that police officer from that place and there is an end of it (From the *Minutes of Evidence before the Joint Select Committee on the Government of India Bill 1919* p 227) The author has also noted this (p 317) but has not considered it necessary to analyse its implications. What Mr Jinnah said in reference to riots before 1919 is equally applicable to riots that have occurred since. It may be stated here that Mr Jinnah appeared before the Joint Select Committee on behalf of the Muslim League.

This work is an advocacy of the cause of Pakistan. Unfortunately for the cause the author has given in a concentrated form (pp 49-60) such a blood-curdling account of oppressions and atrocities which some Muslim invaders and Muslim rulers of India committed in the past on the Hindus and their religion that it would make every Hindu affected by the proposed Pakistan scheme shudder to contemplate what his life would be in Pakistan in the event of its realization and would therefore certainly make him fight against it till the last moment of his life to avert this calamity. Thus the author has done perhaps unconsciously a great disservice to his pet object.

The partition of India into watertight communally-demarcated areas being ethnologically, economically, politically and strategically an absurd idea, the only solution of the Indian problem lies in a well-devised scheme of federation of the whole of India. It is really a thousand pities that the learned author of this treatise comprising 380 pages has not thought it necessary to consider anywhere in it the potentialities of federalism as a solution of our communal problem. He would do well to go very carefully through the pages of *The Federalist* in this connexion. Unfortunately for this country very few of

our eminent leaders both Hindu and Muslim even know the name of this remarkable series of letters written by John Jay James Madison and Alexander Hamilton. If it has been possible for the Germans the French and the Italians—by no means always friends outside—to live in peace and harmony in the Swiss Federation for the French and the English in the Canadian Federation and for a number of nationalities in the United States of America it is also quite possible for the different nationalities of India to live in peace and harmony within one political Union. The solution of our problem does not we repeat lie in any scheme of partition of India: it lies in the Federation of the whole of India on proper lines. This will satisfy all the legitimate claims of both the *Hindustanists* and the *Pakistanists*. India rightly said His Royal Highness the Duke of Gloucester in the course of his parting message to this country last year is a country fashioned by Nature to be united. Divided against herself she would be very weak; united she can be great and powerful beyond measure. In these words His Royal Highness stressed the fundamental unity of India. And in the course of his address to the Associated Chambers of Commerce on 17th December 1947 His Excellency the Viceroy also very rightly laid stress on this geographical unity of India and on its implications in terms of the foreign policy, tariff policy, defence policy and the industrial development of this country. Partition will surely lead to our destruction. Federation alone will save us. Our ideal should be a Federation of All India on an indissoluble basis. And slightly varying the words once used by Chief Justice Chase of the Supreme Court of the United States of America in another connexion we would suggest that the Constitution of India should be an indestructible Federal Union composed of indestructible autonomous units with adequate statutory

safeguards for all racial or religious minorities in respect of
their language, religion culture, and traditions

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In conclusion the author says ' I am satisfied that I have done my duty. If the Hindus don't do theirs they will be plagued by the very consequences for which they are laughing at Europe and they will perish in the same way in which Europe is perishing. Really ' Are the three hundred millions of Hindus of India so helpless ' We at least have a much better opinion of them. We may, however tell the author here that in his anxiety to establish his case he has too often given us a picture which is palpably overdrawn and thus indirectly if not deliberately done a positive disservice to the cause of nationalism in this country. We therefore really wonder whether he has done his duty to his fatherland '